

5 COMMENTS AND RESPONSES ON THE RECIRCULATED DEIR

The written comments received on the Recirculated DEIR and the responses to significant environmental points raised in those comments are provided in this section. No oral comments at public meetings were received. Each individual comment is assigned a number (e.g., 1-1) that corresponds with the response following the comment.



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Scan Walsh
Director

R1

September 6, 2006

Gloria Sciara
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050



Subject: 90 North Winchester Development Project
SCH#: 2003072093

Dear Gloria Sciara:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. The review period closed on September 5, 2006, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

R1-1

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2003072093
Project Title 90 North Winchester Development Project
Lead Agency Santa Clara, City of

Type **SIR** Supplemental EIR

Description The 17-acre property has been designated surplus land by the State of California and the Department of General Services must make the property available for sale, lease, or exchange to other State agencies, and, if no State agency is in need of the land, to local governmental agencies and private developers. Approximately ten acres are proposed for a 2-plus story single-family residential development (up to 110 units) and approximately one acre is to be dedicated as a City park. A senior housing facility with up to 165 apartment units in 3- and 4-story structures is proposed for the remaining six acres.

Lead Agency Contact

Name Gloria Sciara
Agency City of Santa Clara
Phone 408-615-2450 **Fax**
email
Address 1500 Warburton Avenue
City Santa Clara **State** CA **Zip** 95050

Project Location

County Santa Clara
City Santa Clara
Region
Cross Streets Dorcich Street and Forest Ave. @ Winchester Boulevard
Parcel No. 303-17-048 and 049
Township 7S **Range** 1W **Section** 15 **Base**

Proximity to:

Highways 280, 880
Airports
Railways
Waterways
Schools
Land Use Vacant / Agricultural / Moderate Density Residential

Project Issues Cumulative Effects; Toxic/Hazardous; Traffic/Circulation

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 3; Department of Conservation; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Department of Housing and Community Development; Department of General Services; Department of Toxic Substances Control; Native American Heritage Commission; Regional Water Quality Control Board, Region 2

Date Received 07/21/2006 **Start of Review** 07/21/2006 **End of Review** 09/05/2006

LETTER R1

Office of Planning and Research
State Clearinghouse
September 6, 2006

R1-1 The commenter states that no comment letters on the DEIR were received from public agencies. No response is necessary, because no questions on issues regarding the analysis provided in the DEIR were raised.

From: "Nancy Bernardi" <gcrd@pacbell.net>
To: <gsciara@ci.santa-clara.ca.us>
Date: 9/8/2006 4:52:47 PM
Subject: Property at 90 N. Winchester, Santa Clara

Dear Ms. Scaria;

Please include this letter into the EIR on the Property at 90 N. Winchester, Santa Clara as part of the public record and review. Thank you.

Nancy Bernardi
Conservation Coordinator
Guadalupe-Coyote RCD

July 25, 2005

Mr. J. Frank Davidson
State of California, Department of General Services, Real Estate Services
707 West 3rd Street, Suite 6-130
West Sacramento, CA 95605

**RE: Guadalupe-Coyote Resource Conservation District's request to transfer
BAREC's ownership from the State to a non-profit and desire to annex BAREC**

Dear Mr. Davidson:

This week the Guadalupe-Coyote Resource Conservation District Board (GCRCD) met to discuss the Bay Area Research Extension Center (BAREC) on Winchester Blvd. in Santa Clara. The Board unanimously voted to:

1. Support keeping BAREC agriculturally zoned and in open space;
2. Annex BAREC into GCRCD;
3. Work with the State of California to determine the ways BAREC's ownership can be transferred to a non-profit so it will forever remain as open space and for the public good. We understand there has already been an offer by VIVA to purchase BAREC and this should be considered.
4. Create programs and alliances on BAREC that would enhance GCRCD's Mission Statement. A copy of our Mission Statement is attached.

R2-1
12-1

The above is extremely important to our agency as it helps us to fulfill our state mandated Mission Statement. There is no other similar piece of land which has such a rich agricultural history in Santa Clara County and which could help us more.

R2-2
12-2

Since the State is legally required to first offer BAREC to State governments and districts and did not and since GCRCD is a State/Regional Agency, the GCRCD's opinion is that we legally have the right to request the Department of General Services to halt your current BAREC plans and offer the site to us. Since the State did not offer BAREC to the GCRCD, we are requesting that you do so now.

R2-3

We look forward to working with you regarding this very important historical land.

Sincerely,

Lawrence Johmann, President
Guadalupe-Coyote Resource Conservation District

Cc: Senators Elaine Alquist and Joe Simitian; Assemblywomen Sally Leiber and Rebecca Cohen; Board Chair Richard Santos, Santa Clara Valley Water District; Mayor Patricia Mahan and Santa Clara City Council Members; Mayor Ron Gonzalez and San Jose City Council Members; Bob Rohde, United States Department of Agriculture; Bob Gross; Dan Potash; Supervisor Colleen Wilcox, Santa Clara Office of Education; County Supervisors Liz Kniss, Blanca Alvarado, and Jim Beall; Director Sequoia Hall, Santa Clara County Open Space Authority; Director Carol Shennan, UC Santa Cruz Center for Agroecology and Sustainable Food Systems; Supervisor Ken Yeager; John Beall, Biologist

LETTER R2

**Guadalupe-Coyote
Resource Conservation District
Lawrence Johmann
July 25, 2006**

- R2-1** The commenter states that the Guadalupe-Coyote Resource Conservation District (GCRCD) Board unanimously voted to support current zoning of the site, annex the site into GCRCD, and work with the State to determine ways to transfer ownership of the property to a non-profit agency. This proposal would result in reusing the site for agricultural operations. The impacts of such a proposal are analyzed in the DEIR. Please refer to DEIR, Section 7.3, “No Project – Current Zoning. A variant of this alternative was also presented in response to comments received on the DEIR and Recirculated DEIR. Please refer to Section 3.6, “Master Response 6 -No Project Alternative- Current Zoning (Small-Scale Farming variation).
- R2-2** The commenter states that there is no other piece of land with a rich agricultural history. The project’s cultural resource impacts were evaluated consistent with the requirements of CEQA in Section 4.11, “Cultural Resources,” of the DEIR. As described therein, the DEIR concluded that the Project Site and its features are not eligible for listing on the California Register of Historic Resources (CRHR) or the National Register of Historic Places (NRHP) and that implementation of the project would result in less-than-significant impacts to prehistoric and historic resources. Further, the City and DGS have consulted with the Office of Historic Preservation (OHP) and staff of OHP has concurred with the findings presented in the DEIR (see Appendix B of this document).
- R2-3** The commenter states that the State is legally required to first offer BAREC to State governments and districts. No response is necessary, because no questions or new information regarding the environmental analysis were raised.



R3

August 31, 2006

City of Santa Clara
Department of Planning and Building
1500 Warburton Avenue
Santa Clara, CA 95050

Attention: Gloria Sciara

Subject: Santa Clara Gardens

Dear Ms. Sciara:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Recirculated Draft EIR for the project referenced above for a construction of up to 110 dwelling units and 165 senior housing units on 16 acres at 90 N. Winchester Boulevard, north of Dorich Street. We have the following comments.

Bus Service

VTA provides bus service along Winchester Boulevard adjacent to the proposed project. In order to provide convenient transit service, VTA recommends that the City condition the developer to relocate the existing bus stop (currently located just north of Dorich Street) to a location adjacent to this proposed project. The new location should be 100 feet south of the crosswalk in order to accommodate buses that arrive from the Valley Fair Transit Center by turning left onto Winchester Boulevard from Forest Avenue. The relocated bus stop should include the following:

- A minimum 22-foot curb lane or bus duckout (see VTA standards).
- A 10' X 55' PCC bus stop pavement pad (see VTA standards).
- A minimum 8-foot sidewalk adjacent to the bus stop (per ADA standards).
- Direct pedestrian access from the development to the bus stop.
- No trees or planters in the bus loading zone.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

Roy Molseed
Senior Environmental Planner

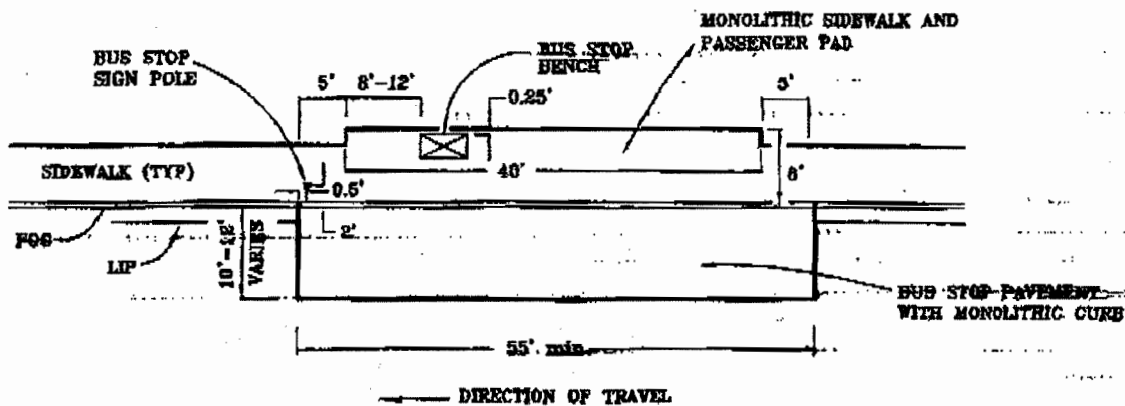
RM:kh

cc: Samantha Swan, VTA

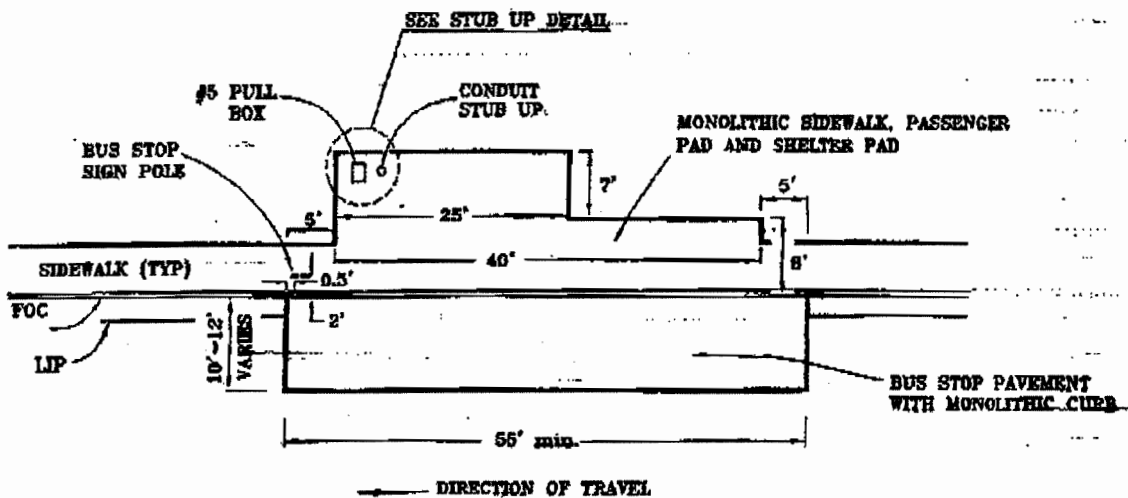
SC0401

3331 North First Street - San Jose, CA 95134-1906 - Administration 408.321.5555 - Customer Service 408.321.2300

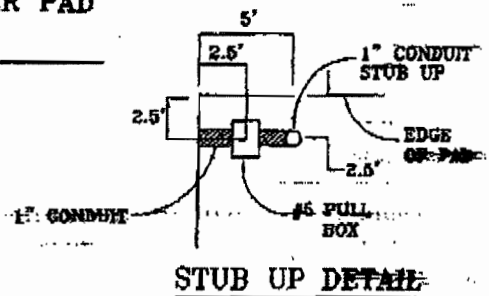
R3-1
R3-1



**BUS STOP AND PASSENGER PAD
WITHOUT SHELTER**



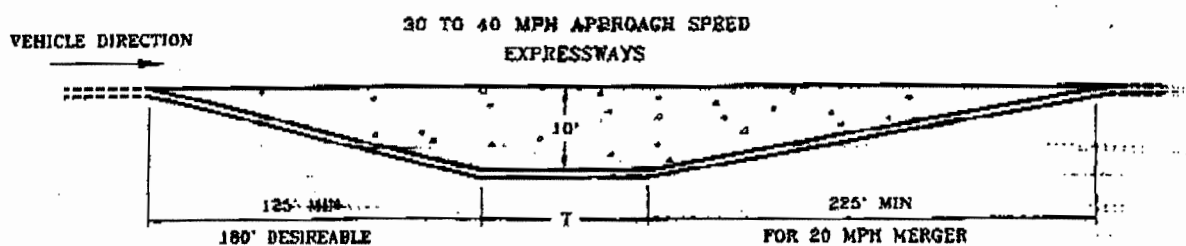
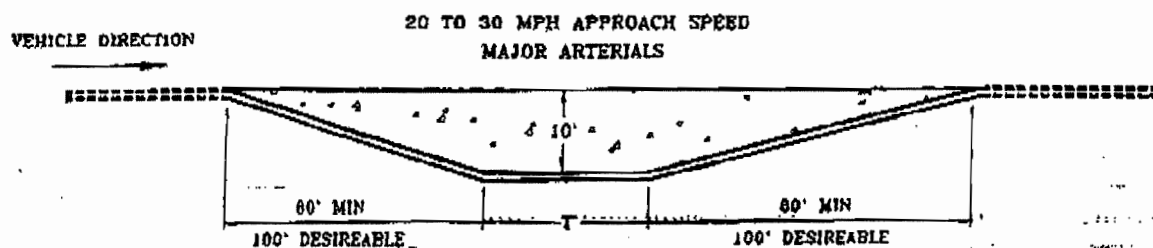
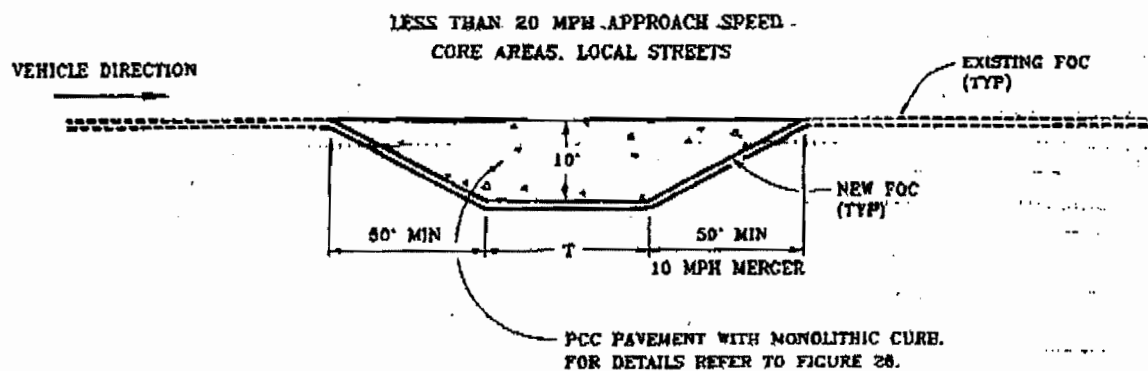
**BUS STOP AND PASSENGER PAD
WITH SHELTER**



SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

BUS STOP CONFIGURATION

FIGURE 20



PLAN VIEW

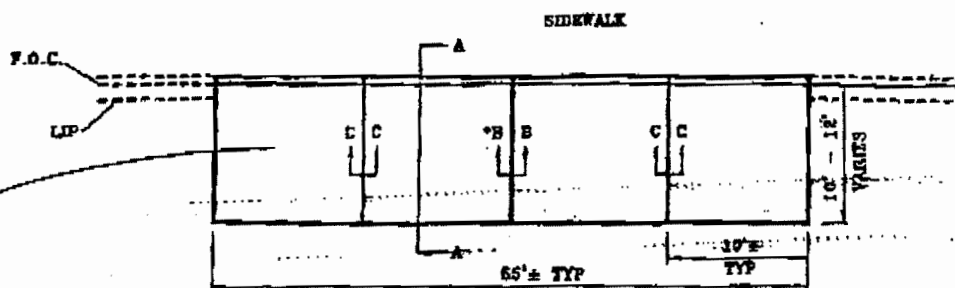
NOTE:

T (TANGENT LENGTH) = 55' REQUIRED FOR ONE BUS STOP.
 = $55' + 70' (X-1)$, WHERE X = # OF BUSES
 (USE AT MAJOR TRANSFER TERMINAL)

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

TYPICAL BUS DUCKOUT

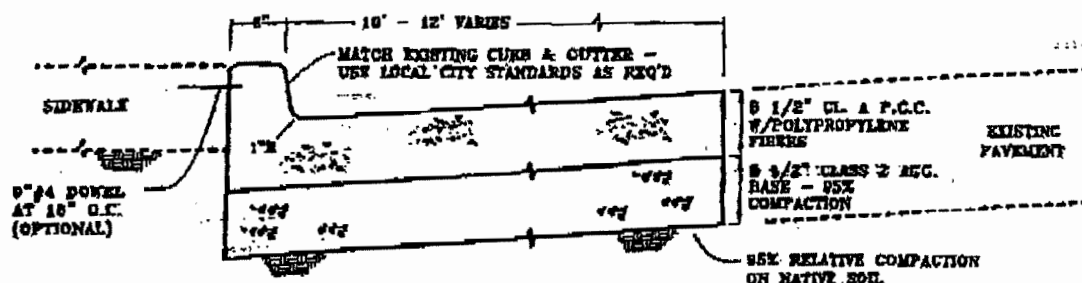
FIGURE 22



SAWCUT AND EXCAVATE EXISTING PAVEMENT, INCLUDING CURB & GUTTER. REPLACE WITH P.C.C. PAVEMENT SECTION AND MONOLITHIC CURB.

PLAN VIEW

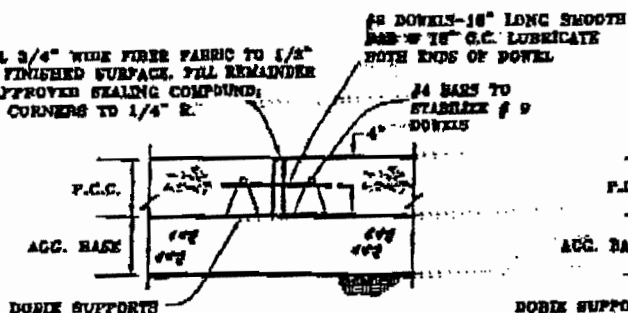
*EXPANSION JOINT SHALL BE PLACED AT 1/2 THE LENGTH OF THE P.C.C. PAD. IN LONG PADS, EXPANSION JOINTS SHALL BE PLACED AT APPROXIMATELY 60 FOOT INTERVALS OR AS SPECIFIED BY THE ENGINEER.



SECTION A-A

PCC PAVEMENT WITH MONOLITHIC CURB

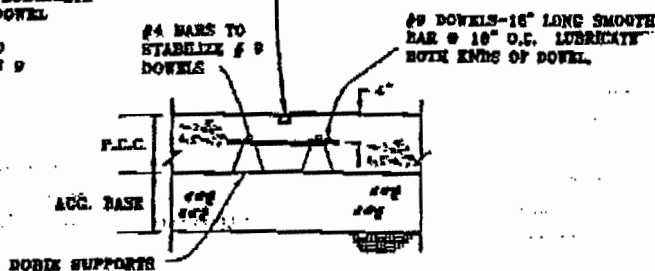
INSTALL 3/4" WIDE FIBER FABRIC TO 1/2" BELOW FINISHED SURFACE. FILL REMAINDER WITH APPROVED SEALING COMPOUND. ROUND CORNERS TO 1/4" R.



SECTION B-B

EXPANSION JOINT

2 3/4" X 1/4" WIDE SAWCUT CONTRACTION JOINT. FILL WITH APPROVED SEALING COMPOUND.



SECTION C-C

CONTRACTION JOINT

NOTE: FOR TECHNICAL SPECIFICATIONS REFER TO ATTACHMENT 1.



SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

BUS STOP PAVEMENT DETAILS

FIGURE 26

TECHNICAL SPECIFICATIONS

1. P.C.C. pavement with monolithic curb and gutter shall conform to the provisions in Section 40, "PORTLAND CEMENT CONCRETE PAVEMENT," and Section 90, "PORTLAND CEMENT CONCRETE" of the State Standard Specifications and these special provisions.
2. P.C.C. pavement shall be class A with a flexural strength of 650 psi at the age of 28 days to be determined by Test Method ASTM C78. Polypropylene fibers (Fibermesh or approved equal), length 1/2", shall be added to the concrete at a rate of 1 1/2 lbs/cy.
3. After spreading and compacting, P.C.C. concrete shall be given a preliminary finish, which shall be smooth and true to grade. In advance of curing operations, the pavement shall be given a final rough broom finish with grooves having a depth of 1/8" perpendicular to the curb and gutter.
4. All newly - placed concrete shall be cured in accordance with the provisions in Section 90-7, "Curing Concrete," of the State Standard Specifications. Curing compound to be used shall be applied to the P.C.C. following the surface finishing operations immediately before the moisture sheen disappears from the surface and before any drying, shrinkage or craze cracks begin to appear. Curing compound shall be applied at a nominal rate of one gallon per 150 square feet. At any point, the application rate shall be within +/- 50 square feet per gallon of the nominal rate specified.
5. Sawcutting of the contraction joints must be performed within 24 hours after concrete has received final surface finish.
6. Contractor shall protect P.C.C. Pad as specified in Section 90-8.03, "Protecting Concrete Pavement." Where public traffic will be required to cross over new pavement, and if directed by the Engineer, Type III Portland Cement shall be used in concrete. When Type III Portland Cement is used in concrete, and if permitted in writing by the Engineer, the pavement may be opened to traffic as soon as the concrete has developed a modulus of rupture of 550 pounds per square inch. The modulus of rupture will be determined by Test Method ASTM C78.

No traffic or Contractor's equipment, except as hereinafter provided, will be permitted on the pavement before a period of ten (10) calendar days has elapsed after the concrete has been placed, nor before the concrete has developed a modulus of rupture of at least 550 pounds per square inch. Concrete that fails to attain a modulus of rupture of 550 pounds per square inch within 10 days shall not be opened to traffic until directed by the Engineer.

Equipment for sawing contraction joints (weakened plane joints) will be permitted on the pavement as specified in Section 40-1.08B, "Weakened Plane Joints," of the State Standard Specifications.

7. Contraction joints, expansion joints and gaps between the P.C.C. pad and the existing pavement section shall be cleaned and sealed prior to permitting traffic on the pad. Joint sealing compound shall be type "A" joint seal and shall conform to the provisions of Section 51-1.12F of the State Standard Specifications. The 2 component polyurethane sealant shall be State Specification R030 - 61J - 01 or approved equal.

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

BUS STOP PAVEMENT DETAILS

ATTACHMENT I FOR FIGURE 26

LETTER R3

Santa Clara Valley Transportation Authority
Roy Molseed
August 31, 2006

R3-1 The commenter recommends that the City condition the project to relocate the existing bus stop and provided recommendations on the proposed design of the bus stop. No response is necessary, because no questions or new information regarding the environmental analysis were raised.

R4

County of Santa Clara

Roads and Airports Department
Land Development and Permits

101 Skyport Drive
San Jose, California 95110-1302
(408) 573-2460 FAX (408) 441-0275



August 10, 2006

Ms. Gloria Sciara, AICP, Project Manager
City of Santa Clara, Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050

Subject: Public Notice of a Recirculated Draft Environmental Impact Report (DEIR) for Santa Clara Gardens Development Project at 90 North Winchester Boulevard

Dear Ms. Sciara

Your July 7, 2006 Notice along with the attachment for the subject project have been reviewed. Our comments are as follows:

1. In our previous letter dated April 3, 2006, we requested that the intersections of San Tomas and Homestead to be included in the Traffic Impact Report (TIR). Only Pruneridge and Stevens Creek intersections with San Tomas Expressway were included in the TIR.
2. The 8% and 6% traffic distribution (Fig 1, Page 2) in the TIR using San Tomas Expressway is too low.

R4-1
INT-1

R4-2
INT-2

If you have any question, please call me at 573-2464.

Sincerely,


Raluca Nitescu
Project Engineer

Cc: Kevin Reiley, AICP, Director of Planning and Inspection
MA, SK, WRL, File

Board of Supervisors: Donald F. Gage, Blanca Alvarado, Pete McHugh, James T. Beall Jr., Liz Kniss
County Executive: Peter Kuitras, Jr.



LETTER R4

County of Santa Clara
Roads and Airports Department
Ralton Nitescu
August 10, 2006

- R4-1** The commenter states that the traffic analysis should include the intersection of San Tomas Expressway and Homestead Road. The recirculated transportation section (published July 2006) did not analyze this intersection, because the trip assignment did not exceed the 10 trips/lane in the peak hour, which is guideline the VTA recommends for analyzing traffic impacts. Please refer to response to comment 10-7.
- R4-2** The commenter states that the 8% and 6% traffic distribution used in the traffic analysis for San Tomas Expressway is too low. The City of Santa Clara and City of San Jose reviewed the traffic distribution assumptions to confirm that they were representative area conditions. The traffic distribution estimate for this project was based upon a review traffic patterns for similar land uses (i.e., residential) and their end destinations (e.g., retail, commercial, job center). Based on observations of traffic patterns in the project area, the project's traffic trips were assigned to the intersection and reflect observed traffic distribution patterns for other similar residential developments in the project area. No specific information has been provided regarding what alternative trip distribution estimates should be. Fehr & Peers, the traffic consultant who assisted with the preparation of the EIR, believes the trip distribution estimates cited in the EIR are appropriate. The commenter's disagreement is noted. The commenter does not explain why, in the commenter's view, trip distribution estimates in the DEIR are too low. No data is provided regarding this issue. For this reason, it is not possible to provide a further response.

September 8, 2006

Gloria Sciara, Project Manager
City of Santa Clara, Planning Division
1500 Civic Center Drive
Santa Clara, CA 95050

gsciara@ci.santa-clara.ca.us Emailto:gsciara@ci.santa-clara.ca.us

408-615-2450 FAX 408-247-0857

RE: BAREC/Santa Clara Gardens EIR Comments

Dear Gloria,

I am faxing over some letters which should be considered as part of the the BAREC/Santa Clara Gardens EIR comments

1. VIVA letter to State requesting the purchase of BAREC (2 pgs)
2. Valley of Heart's Delight Support Letter stating BAREC's importance to the Valley (1 pg)
3. Professor at SJ State University, Frank Schiavo's letter stating BAREC's importance to education (2 pgs)

R5-1

Kathryn Mathewson, President and Founder of VIVA and Save BAREC

EDAW

Comments and Responses on the Recirculated DEIR

5-6

Santa Clara Gardens Development Project Final EIR
City of Santa Clara

San Jose, CA, 95128

kmathewson@secretgardens.com

408-292-9595



One Washington St., 14th floor
San Jose, CA 95102-0115
Voice: 408-024-5454
Fax: 408-024-5477

Friends of BAREC
1698 Hanchett Avenue
San Jose, CA 95128

Thank you for taking this moment to consider my comments regarding the BAREC land and its future. My name is Frank Schiavo. For 41 years I have dedicated my professional and personal life to teaching two generations of students about our natural and human environment. I was the environmental studies teacher for 13 years at Willow Glen High School and for 28 years at San Jose State in the Environmental Studies Department. The most rewarding part of this experience was teaching over 1500 San Jose State students to become K-8 environmental educators for the public school system.

I grew up in Santa Clara from 1946 to 1962 and then moved to San Jose to begin my teaching career. During my childhood days Santa Clara Valley was a series of small towns surrounded by orchards and open space. On the east and west were the beautiful undeveloped mountains. Unfortunately this has all changed

Given a child's perspective on the Valley floor: Where are fields and creeks and hills and farms to explore and experience? Where are the sounds and smells of the natural world? Where is the opportunity to see wildlife like rabbits, fox, snakes, and flocks of birds? All this has GONE! What children today experience is an indoor life of computers, computer games, television after school and not much more than concrete for biking and housing developments/shopping malls to explore on excursions.

We can and must do better than this for our children. The most positive example on the Valley floor is DeAnza College's one and a half acre Nature Study Area. It was the vision of DeAnza's Environmental Studies teacher, Doug Cheeseman and a handful of volunteers. It is a jewel on DeAnza's campus and used as a park by the neighboring population as a respite from the rush of Silicon Valley's fast paced life. It has been an educational force and inspiration for thousands of DeAnza students to pursue environmental careers. Imagine if this could be done at BAREC!

The California State University:
Chico State
Bakersfield State
Brenham State
Butte State
Cal State Long Beach
Cal State Northridge
Cal State Pomona
Cal State San Bernardino
Cal State San Marcos
Cal State Stanislaus
Cal State Stockton
Cal State Sacramento
Cal State San Diego
Cal State San Francisco
Cal State San Jose
Cal State San Luis Obispo
Cal State Santa Barbara
Cal State Santa Clara
Cal State Santa Cruz
Cal State San Diego
Cal State San Francisco
Cal State San Jose
Cal State San Luis Obispo
Cal State Santa Barbara
Cal State Santa Clara
Cal State Santa Cruz

R5-2

BAREC is a beautiful natural setting of 17 acres. A portion of it could be park and another portion developed as a nature study area like at DeAnza. It could be a fabulous island of trees and native plants, water, wildlife, and a meeting place for many species of birds. San Jose State's Environmental Studies Department would like to be involved with this nature study area in physically helping to develop and use it as a training ground for environmental education teachers. It would also be the place for K-12 and college students to take field trips for their environmental studies courses. San Jose State has nothing like this and has no plans or room for such a vision.

Your decision about BAREC's future has the potential of making it into a nature study area and park for all citizens in the Santa Clara Valley. It also has the prospect of changing it with more of the same...the same endless modern housing, parking lots, token landscapes compared to the abundance of life once on our Valley. This choice would result in housing for a few residents and nothing more for anyone else. I do hope you see the picture I am painting.

I ask you to consider what your decision will do for the long term...for countless children, young adults, and families who can experience BAREC as a nature study area and park. We all need contact with nature in our daily lives in our cities and not nature that we must travel hundreds of vacation miles to see. Nature can teach us; it can remove stress and relax us; it can slow us down and give us the opportunity to reflect on the important aspects of living and life. With this scenario we preserve beauty and give it to future generations. If we choose wisely today this scenario is what future generations will inherit from us. To close please consider this quotation from Ansel Adams book, These We Inherit:

"If no one knows the importance of preserving a beautiful place, that place is not likely to be preserved but instead be transformed into something else and probably something less."

Sincerely,

Frank R. Schiavo
Environmental Studies Department
San Jose State University

R5-2
Cont'd

LETTER R5

Karen Mathewson

September 8, 2006

- R5-1** The commenter states they are faxing over comment letters from Frank Schiavo, VIVA, and Valley of Hearts Delight. These comment letters have been received and are responded to separately as response to comment R5-2 and comment letters, R9, and R10, respectively. Please refer to those comment letters for additional response.
- R5-2** The commenter provides his professional background, recounts childhood experiences, describes the open space and other qualities of the BAREC site, and suggests that the site or a portion of it could be a park or nature study area. As described in Chapter 3.0, “Project Description,” of the DEIR, one acre of the Project Site would be dedicated to a public park. While the commenter suggests the site be used as a public park and nature study area, these land uses would not meet any of the project’s objectives and evaluation of alternative that considers such land uses is not required by CEQA.



HALS

Historic American Landscape Survey
Northern California Chapter
444 17th Street, Oakland, CA 94612
Telephone: 510/465-1284

September 8, 2006

Gloria Sciara
City of Santa Clara - Planning Division
1500 Civic Center Drive
Santa Clara, CA 95050

RE: **Bay Area Research and Extension Center (BAREC)**

Dear Ms. Sciara:

I write on behalf of the Northern California Chapter of the Historic American Landscape Survey (HALS), a new national program established to raise awareness of America's cultural and historic landscapes. HALS is run jointly by the National Park Service and the American Society of Landscape Architects.

At our most recent quarterly meeting, we heard a presentation on BAREC. Among other things, we learned that the site has a long history of serving feeble children (1860 – 1920) and Civil War veteran's families (1920 – 1950), as well as doing agricultural research since the 1920s. Bob Raabe, Doug Hamilton, Harry Butterfield, Rob Thayer, Ali Harivandi and other leaders in agricultural research conducted many significant research projects at this site.

R6-1

Clearly, BAREC provides a unique history focused on California's agriculture – a key component of our state's economic base. Much of the research done at this facility has directly impacted the work of California landscape architects and projects they have designed. Its history as a valued resource is important, and its future has the potential to continue this tradition.

R6-2

Our membership recognizes the BAREC site as a significant landscape worthy of recognition at the local and state levels, and for listing on the National Register of Historic Places. We have submitted the site to HALS as a "Threatened Landscape" in hopes of bringing attention to the site at a national level.

R6-3

We urge you to carefully review the important historic qualities of this very unique site and to conduct a CEQA review that thoroughly considers all relevant information.

R6-4

Sincerely,

Christine G. Pattillo

Christine G. Pattillo, ASLA
Co-Chair Northern California Chapter HALS

President, PGAdesign^{inc}

Co-chairs:

Betsy Flack
The Garden Conservancy
bflack@gardenconservancy.org

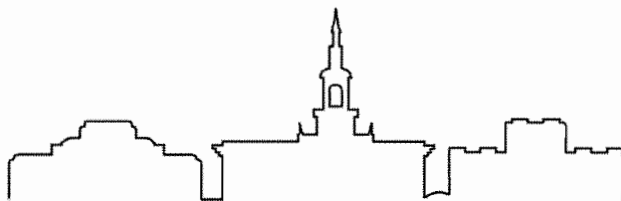
Cathy Garrett
PGA design, Inc.
garrett@pgadesign.com

Chris Pattillo
PGA design, Inc.
cpattillo@pgadesign.com

LETTER R6

Historic American Landscape Survey
Northern California Chapter
Christine G. Pattillo
September 8, 2006

- R6-1** The commenter indicates that she recently heard a presentation on the past uses of the Project Site and provided a brief summary of those uses. Research into the Project Site's historical operations was documented in compliance with CEQA requirements in Section 4.11, "Cultural Resources," of the DEIR. As described therein and further elaborated in Master Response 5, the conclusion of the EIR, after extensive research and review of evidence in the record, is that neither the structures on the Project Site nor the landscape qualify as historical resources under Section 15064.5 of the State CEQA Guidelines or are eligible for listing on the California Register of Historical Resources (CRHR) or the National Register of Historic Places (NRHP). The DEIR concluded that implementation of the project would result in less-than-significant impacts to prehistoric and historic resources. Further, the City and DGS have consulted with the Office of Historic Preservation (OHP) and staff of OHP has concurred with the findings presented in the DEIR (see Appendix B of this document).
- R6-2** The commenter states that BAREC property and the research that occurred on the Project Site affected the work of California landscape architects and the projects they designed. Based on the research conducted for the site and presented in the DEIR (see Section 4.11, "Cultural Resources"), there is no evidence that suggests that past activities at the Project Site were important to this profession. In response to this comment, and other comments, stating that the property is an historic site due to its association with significant events in the history of California agriculture, further research into these uses and their significance has been performed. The results of this research are summarized in Master Response 5.
- R6-3** The commenter states that HALS recognizes BAREC worthy of listing in the NRHP and that they have submitted the site to HALS as a "Threatened Landscape." The DEIR contains a thorough evaluation of the site's cultural resources in Section 4.11, "Cultural Resources." As described therein and elaborated in Master Response 5, the conclusion of the EIR, after extensive research and review of evidence in the record, is that neither the structures on the Project Site nor the landscape qualify as historical resources under Section 15064.5 of the State CEQA Guidelines or are eligible for listing on the CRHR or the NRHP. The DEIR concluded that implementation of the project would result in less-than-significant impacts to prehistoric and historic resources. Further, the City and DGS have consulted with the Office of Historic Preservation (OHP) and staff of OHP has concurred with the findings presented in the DEIR (see Appendix B of this document).
- Regarding the submittal of the site as a "Threatened Landscape," the commenter provides no discussion about or content of this submittal; therefore, no response can be provided.
- R6-4** The commenter urges the City to carefully review historic qualities of the site and to conduct a thorough CEQA review. The analysis presented in the DEIR complies with requirements for preparing EIRs in accordance with CEQA and the State CEQA Guidelines, including Section 15064.5 of the guidelines.



PRESERVATION ACTION COUNCIL OF SAN JOSE

Dedicated to Preserving San Jose's Architectural Heritage

September 7, 2006

Gloria Sciara
Project Manager
City of Santa Clara, Planning Division
1500 Civic Center Drive
Santa Clara, CA 95050

Dear Ms. Sciara:

Several years ago, the Preservation Action Council of San Jose's Board was one of the first organizations to meet and unanimously approve support to keep BAREC's 17 acres and its history intact, so that future generations would understand the Valley's agricultural history. We feel strongly that BAREC's history is so uniquely important to California and the Santa Clara Valley that it should be given State and National Historical Registry status. Some of the things we think that are unique about its history are: the cultural program to return the Japanese farmers to their strawberry farms after World War II; a historical weather station that served more than two counties; two historical buildings dating from the early 1900s to 1928; and, the much and varied historical agricultural research done for over 75 years making contributions to the entire nation (fruit tree research that made our Valley famous in the 1900s) and world (drought sod research).

R7-1

BAREC is centered between the National Historical Registered Winchester House and the State Historical Registered Santa Clara Mission. Since both of these sites in their most important historical period were once surrounded by agricultural crops, it is especially important that BAREC represent what these two historically important sites *now* lack: farmland. BAREC existed in the 1800s when these two historical sites were in their prime; hence, it links them and places them in their appropriate historical context for future generations to understand their real history.

R7-2

We are pleased to have been the first in a long line of historical organizations and historically important people to support saving BAREC's history for future generations. The following are other active organizations that support BAREC: Northern California Historical American Landscape Survey (HALS), California History Center and Foundation, California Garden and Landscape Historical Society, Daughters of the American Revolution, Civil War Roundtable, Argonauts Historical Society, Pioneer Club of Santa Clara County, Saratoga Historical Museum, E Clampus Vitas, Yvonne Jacobson (author of "Passing Farms Enduring Values, Santa Clara Valley"), Dr. Russell Skowrennek (Santa Clara University

R7-3

Le Petit Trianon, 72 N 5th St., Suite 9, San Jose, CA. Mail: P.O. Box 2287, San Jose, CA, 95109-2287
www.preservation.org • Tel/Fax: (408) 998-8105 • info@preservation.org

PACSJ is a 501 (c) 3 non-profit organization. EIN: 77-0254542

Archeology Professor, foremost expert on California Missions, author on historical Santa Clara City book, and Smithsonian consultant), Lorie Garcia (former Santa Clara County Historical Commission, author of book on Santa Clara's history, and former Chairman of the Santa Clara City Planning Commission), and Jim Arbuckle (Past President of the Pioneers Society of Santa Clara County and son of Clyde Arbuckle who wrote the most definitive historical book titled "History of San Jose"), and local historian and author Leonard McKay.

R7-3
Cont'd

The Preservation Action Council of San Jose strongly believes in BAREC's value as a historical site and we can not emphasize enough the importance of granting BAREC State and National Registry status. For over 150 years, BAREC has served the Santa Clara County community through its agricultural research and activities, and its role in the Valley's agricultural history is one that should be recognized and protected.

R7-4

Sincerely,



Ellen Garboske

Board Member
Preservation Action Council of San Jose

LETTER R7

Preservation Action Council of San Jose
Ellen Garboske
September 7, 2006

R7-1 The commenter states that Preservation Action Council of San Jose supports the preservation of the site and states that it should be listed on the State and national historic registries. The commenter also lists past uses of the site that, in the Council's view, make it unique: the cultural program to return the Japanese farmers to their strawberry farms after World War II; a historic weather station that served two counties; two historic buildings dating from the 1900s to 1928; and the various agricultural research contributions.

The DEIR provides an analysis of the past uses at the Project Site in Section 4.11, "Cultural Resources," of the DEIR consistent with the requirements of CEQA and Section 15064.5 of the State CEQA Guidelines. This analysis included research in to past public and private operations at the Project Site (e.g., California Home for the Care and Training of Feeble-minded Children, Women's Relief Corp Home, and University of California Agricultural Extension). In response to comments received on the DEIR and Recirculated DEIR additional research into the Project Site's role in contributing to the return of Japanese farmers to strawberry farms after World War II and the significance of strawberry farming research activities at the Project Site was conducted. The results of this research are summarized in Master Response 5. As described therein, available evidence indicates that strawberry research occurred at BAREC that was transferred to UC Davis well before World War II (mid 1930s). The research was part of a complex chain of events leading to development of improved strains of strawberries at UC Davis. The influence of the research at BAREC was quickly subsumed into follow-on research at UC Davis after its transfer, which indicates that UC Davis was the centerpiece location for important research that improved strawberry cultivation in California by all farmers. Available evidence also indicated that approximately one-quarter of pre-war Japanese farmers returned to agriculture (all crop types) after the war. Available information does not indicate what proportion of this post-war agriculture involved strawberries. The additional research conducted on strawberry research in response to DEIR and RDEIR comments has not altered the EIR's conclusion that the site does not qualify as a historical resource under Section 15064.5 of the State CEQA Guidelines and would not be eligible for the NRHP and CRHR. Please refer to Master Response 5. Regarding the buildings located on the Project Site, please refer to page 4-142 of the DEIR. Regarding the former weather station that was located at the Project Site, please refer to response to comment 73-20. Regarding the site's significance as the location of agricultural research, please refer to Draft EIR pages 4-133 – 4-144 and 4-142 – 4-144.

R7-2 The commenter suggests that the BAREC site should be considered historically significant because of its proximity to two other historically important sites, the Winchester House and Santa Clara Mission, which were once surrounded by farmland. The Project Site is located approximately ½-mile north of the Winchester House and 2.5 miles southwest of the Santa Clara Mission. As such the Project Site is removed from the historic context of these sites. Proximity to other historical resources, alone, is not among the criteria for determining historic significance. The commenter offers no evidence to support the argument that the farmland at the Project Site is substantially representative of the farmland that once surrounded the referenced historic properties. Further, the commenter offers no evidence to support the reason why farmland is important to the significance of the referenced historic structures. The DEIR

contains an evaluation of the site's cultural resources in Section 4.11, "Cultural Resources." As described therein and further elaborated in Master Response 5, the conclusion of the EIR, after extensive research and review of evidence in the record, is that neither the structures on the Project Site nor the landscape qualify as historical resources under Section 15064.5 of the State CEQA Guidelines or are eligible for listing on the CRHR or the NRHP. The DEIR concluded that implementation of the project would result in less-than-significant impacts to prehistoric and historic resources. Further, the City and DGS have consulted with the Office of Historic Preservation (OHP) and staff of OHP has concurred with the findings presented in the DEIR (see Appendix B of this document).

R7-3 The commenter lists other organizations and individuals that support preserving the Project Site for future generations. Comment noted.

R7-4 The commenter states the Project Site has value as a historical site and supports granting the site State and National Registry status. Please refer to Master Response 5 and responses to comments 73-23 and R7-1.



September 7, 2006

Gloria Sciara, Project Manager
City of Santa Clara, Planning Division
1500 Civic Center Drive
Santa Clara, CA 95050

California Garden and Landscape Historical Society Board believes Santa Clara Gardens deserves listing on the State and National Historical Registry by virtue of its significance.

R8-1

As a UC Agricultural Research Station since the 1920s, Santa Clara Gardens has contributed to California's agriculture and gardens. Educational programs and research papers for gardeners, farmers, orchardists, and professional landscapers emerged from the station as did an internationally recognized drought sod study. San Jose's Green Waste Program and Japanese strawberry growers' cultural study have also come from here.

R8-2

California Garden and Landscape History Society's mission is to aid and promote interest in, study of, and education about our state's garden and landscape history. We celebrate California's beauty, wealth, and diversity through our quarterly journal EDEN, our website www.cglhs.org, and our annual conference to explore aspects of California's garden and landscape history. Meetings take place throughout the state at sites including Santa Barbara, Berkeley, San Diego, Monterey, Sonoma, Palo Alto, Sacramento, Long Beach, San Juan Capistrano, St. Helena.

We advocate Santa Clara Garden's continuing existence for our understanding of how California gardens and landscapes came to look and produce in the fashion they do. Preserving Santa Clara Gardens as it existed in the past contributes to California's future.

R8-3

Sincerely,

Theodora Gurns, President
(Receipt response requested.)

LETTER R8

California Garden & Landscape History Society
Theodora Gurns
September 7, 2006

- R8-1** The commenter states that California Garden and Landscape History Society believes the Project Site deserves listing on the State and National Historical Registry. The DEIR contains an evaluation of the site's cultural resources in Section 4.11, "Cultural Resources." As described therein and further elaborated in Master Response 5, the conclusion of the EIR, after extensive research and review of evidence in the record, is that neither the structures on the Project Site nor the landscape qualify as historical resources under Section 15064.5 of the State CEQA Guidelines or are eligible for listing on the California Register of Historical Resources (CRHR) or the National Register of Historic Places (NRHP). The DEIR concluded that implementation of the project would result in less-than-significant impacts to prehistoric and historic resources. Further, the City and DGS have consulted with the Office of Historic Preservation (OHP) and staff of OHP has concurred with the findings presented in the DEIR (see Appendix B of this document).
- R8-2** The commenter states that several educational programs and research papers were developed at the Project Site. Please refer to Master Response 5 and response to comment R7-1.
- R8-3** The commenter expresses support for preserving the site. Comment noted. No response is necessary, because no questions or new information regarding the environmental analysis were raised.

V I V A
(Valley Initiative for Values in Agriculture)

1698 Hanchett Avenue
 San Jose, CA 95128
 (408) 292-9595 fax (408) 292-9166
www.savebarec.org
info@savebarec.org

June 29, 2005

Jeff Crone
 Department of General Services
 State of California
 Sacramento, CA

RE: Purchase Offer of State Property called BAREC in Santa Clara by a non-profit for State and local agency/government usage and benefit.

Dear Mr. Crone:

As a California non-profit corporation, VIVA (Valley Initiative for Values in Urban Agriculture and Horticulture) would like to make an offer to purchase the 17 +/- acre Bay Area Research and Extension Center (BAREC) at 90 to 125 Winchester Blvd. in Santa Clara. It is our desire for BAREC to remain permanently in agricultural open space and to continue contributing to the community as it has done for 150 years. We plan to be a center for agriculture, horticulture, and environmental issues in the Santa Clara Valley. Nothing like this exists in the Valley and it is a much-needed balance to the building construction everywhere.

We are prepared to pay BAREC's value reported in the University of California Regents Committee on Finance March 15, 2000 minutes. This price is \$10,000 per acre. We request that before we purchase the property the State inform us of any contamination issues so together we can determine how it will be cleaned up with the most organic and sustainable process as possible.

All local and State agencies have not received a Department of General Services written notification of intent to sell BAREC. We have letters from several local and State agencies and governments stating that they need BAREC for their programs and goals. We have attached a list of some of these organizations, governments, and non-profits that would benefit as BAREC in agricultural open space. We plan to work and support the mission statements of these organizations.

Sincerely Yours,
 Kathryn Mathewson,
 President, VIVA.

For more information on BAREC visit <http://www.savebarec.org>.

R9-1
 R9-1

VIVA SUPPORTING ORGANIZATIONS/GOVERNMENTS/NON-PROFITS FOR BAREC

Guadalupe-Coyote Resource Conservation District
California History Center and Foundation
California Landscape Contractors Association
Santa Clara Valley Water District
UC Santa Cruz Center for Agroecology and Sustainable Food Systems
San Jose Parks Commission
California Conservation Corps
Universities (San Jose State University, Santa Clara University, Merritt College, Foothill College, DeAnza College)
Public Schools
Valley of Hearts Delight
Ecological Farm Association
Hospitals (O'Connor and Valley Medical)
Master Gardeners of Santa Clara County Foundation
Various Environmental Groups (Aterra, Audubon Society)
Soil Food Web
Various Civil War Associations
Preservation Action Council of San Jose
Our City Forest
California Association of Nurseries and Garden Centers
Garden Clubs

R9-1
Cont'd

LETTER R9

Valley Initiative for Values in Agriculture (VIVA)

Kathryn Mathewson

June 29, 2005

R9-1

The commenter states that VIVA, a California non-profit, is offering to purchase the Project Site so that it can become an agricultural center. The commenter also states that notification of intent to sell BAREC has not been received by all City and State agencies. The letter indicates VIVA proposes to acquire the site to serve as an agricultural center. The use of the site for this purpose was identified and analyzed in the DEIR. (See DEIR, section 7.3 – No Project – Current Zoning.) VIVA's offer to acquire the site is noted.

Valley of Heart's Delight

Cultivating partnerships for a sustainable community

Gloria Sciara
Santa Clara Planning Department
1500 Warburton Avenue
Santa Clara, CA 95050

Oct. 7, 2005

To: Santa Clara Planning Department

RE: EIR for Santa Clara Gardens (BAREC) at 90 North Winchester,
Santa Clara

We are a non-profit corporation dedicated to creating a sustainable future. I am responsible for the Valley of Heart's Delight project, which aims to reconnect people to the sources of their food and strengthen the local system. As you may well know the name for Santa Clara Valley when fruit trees dominated it was the Valley of Heart's Delight. This area was famous for agriculture as the climate and soil is ideal for growing food. Now, we have lost most of this precious resource, and with it, our ability to ensure food security for our region.

BAREC should be preserved to help our children, teachers, and the public learn how to grow their own healthy food, and learn how to renew our region's landscape and soil to a healthy, biodiverse state. Because of BAREC's history and location it has the potential to bring in non-profit funding that would be a contribution to the City of Santa Clara. For these reasons we support keeping BAREC in 100 percent open space for the community.

R10-1

project of the Foundation for Global Community, 222 High Street, Palo Alto, California 94301 • 650

As part of the EIR process, please research how the land can be used for agriculture. There are many successful models of urban agriculture that are both economically and socially viable. One great example of comparable size is Fairview Gardens in Goleta, CA. (Please see <http://www.fairviewgardens.org>) BAREC could too become a shining example of how to provide food on the local level. Indeed, having local food is a growing trend and something that is becoming highly valued in communities across the nation.

R10-2

Additionally, BAREC should be saved because of its unique history and because of the huge traffic problems on the nearby freeways and public streets. According to your plans you will be placing about three times the density of housing in the neighborhood. One hundred and ten of these will be two stories and then there are the senior apartments with three to four stories. This will create deep shade for existing neighbors especially in the winter when the sun is the lowest. Much of your three-acre open space will also be in shadow because of the senior building. The current plans also have no relationship to the land's history and to the surrounding neighborhood.

R10-3

The State's process to clean up its soils for developers needs to be greatly improved. The State needs to be very honest and straightforward and list all the historical chemicals that have been used for every research project at BAREC since the 1920s. The clean-up process should be biological and not transporting the top one to two feet somewhere else. Again, there are exciting models of how to do this. We can do it right!

R10-4

Finally, the BAREC 17 acres are not a good place for seniors to live because the Winchester traffic is too fast with too many traffic jams. There are plenty of better places for them and nearby senior homes have many vacancies.

R10-5

Thank you for your consideration of these issues.

Best regards,


Susan Stansbury
Project Director

LETTER R10

Valley of Hearts Delight
Susan Stansbury
October 7, 2005

- R10-1** The commenter expresses support for keeping the Project Site as open space. Please refer to response to comment 11-11.
- R10-2** The commenter asks the City to research how the land can be used for agriculture. The City received an application for the development of the Project Site with single-family, senior housing, and park uses. The DEIR evaluates the environmental impacts associated with this development proposal and also evaluates an alternative to the proposed development, which would allow the continuing of existing uses at the Project Site consistent with the existing agricultural designation (see Section 7.3, “No Project Alternative – Current Zoning”). Further, a variant of this alternative (small-scale farming variation) was evaluated in response to comments received on the DEIR and Recirculated DEIR. Please refer to Master Response 6.
- R10-3** The commenter states that the Project Site should be preserved because of its unique history and because development of the site would cause traffic problems. The project’s cultural resource and transportation impacts were evaluated consistent with the requirements of CEQA in Section 4.10, “Transportation and Circulation,” and Section 4.11, “Cultural Resources,” in the DEIR. All feasible mitigation to reduce project impacts has been identified and conclusions drawn based on the feasibility of recommended mitigation. Please refer to Master Responses 3 and 5.
- The commenter also suggests that the proposed 2- and 3-story buildings would cast shadows during the winter and would create deep shade. The proposed single-family homes would be similar in size to the residences surrounding the Project Site (i.e., up to 2 stories tall), so shadows cast by them would not be substantially different than existing buildings in the area. The taller senior housing buildings, which are proposed to be up to 4 stories (i.e., up to 40 to 50 feet tall), are located either along Winchester Boulevard or along the southern side of the Project Site. In the winter, when the sun is lowest in the sky, it rises in the southeast, climbs to a point that is south of straight overhead, and sets in the southwest, so long winter shadows would be directed toward the northwest in the morning and northeast in the afternoon. The closest distance between existing residences on the north side of the site (along Forest Avenue close to Winchester Boulevard) and a proposed senior housing building (the building next to Winchester Boulevard) is over 150 feet and the distance increases to 600 feet for the senior housing buildings propose along the southern site boundary. Nearby fences and vegetation and general urban development in the community would intercept the lowest sun angles in the beginning of the morning and evening. When the sun rises to an angle of several degrees to get above close-in fences and vegetation (it reaches over 6 degrees by about 8:00 am in Santa Clara on the winter solstice, the shortest day of the year), the set back distance of the senior housing from the homes to the north would place shadows on the ground before reaching those homes. The height of these facilities would not be substantial enough, such that they would create the substantial casting of shadows to the closest existing residences, recognizing the 150- to 600-foot distance to the nearest residences that are in the direction of long winter shadows.

- R10-4** The commenter states that the process for cleaning up site soils should be improved and should consider biological processes. Please refer to Master Response 4, Section 3.4.4, “Use of Phytoremediation/Bioremediation to Remediate On-Site Soils,” for a discussion of the feasibility of biological remediation processes.
- R10-5** The commenter expresses the opinion that the Project Site is not a good place for seniors to live because of the traffic. The DEIR analyzed impacts associated with pedestrian uses. (See DEIR, Impact 4.10-8.) As described therein, the project with recommended mitigation (see mitigation measure 4.10-8) would result in less-than-significant pedestrian impacts.

R11

From: "Kirk Vartan" <kirk@savebarec.org>
To: "Gloria Sciara" <gsciara@ci.santa-clara.ca.us>
Date: 7/9/06 9:38AM
Subject: Additional BAREC/Santa Clara Gardens input

Hi Gloria,

Please add the following CBS News program content "CBS 5 Investigates: Is Toxic Land Going Up For Sale In The Bay Area?" dated June 19, 2006 to the public record for the Draft EIR.

<http://cbs5.com/video/?id=14277@kpix.dayport.com>

Thank you,

-Kirk

<mailto:kirk@savebarec.org> kirk@savebarec.org
<<http://www.savebarec.org/>> www.savebarec.org
888-BAREC-80

CC: <info@savebarec.org>, <kathryn@savebarec.org>, <linda@savebarec.org>, <cameron@savebarec.org>, <legal@savebarec.org>

R11-1

LETTER R11

Kirk Vartan
September 7, 2006

R11-1

The commenter requests that a CBS video newscast, dated June 19, 2006, be added to the public record and provides a web link. The newscast discusses community concerns about previous pesticide and herbicide use at the site. No specific comments on the DEIR analysis were provided. The project's hazardous material impacts were evaluated consistent with CEQA requirements in Section 4.6, "Hazards and Hazardous Materials," of the DEIR and Recirculated DEIR. As described therein, the project includes the preparation of a Removal Action Workplan (RAW) under the oversight of the Department of Toxic Substances Control (DTSC). This plan identifies the proposed actions for removal of contaminated soils from the Project Site and identifies specific health and safety measures that would be implemented to ensure public safety during remediation activities. The DEIR concludes that with implementation of the RAW no significant hazardous material impacts would occur (see Impacts 4.6-1 and 4.6-2 of the Recirculated DEIR). Please refer to Master Response 4.

Kristen Stoner - Comments on the BAREC DEIR and RDEIR

From: "Kirk Vartan" <kirk@savebarec.org>
To: "Gloria Sciara" <gsciara@ci.santa-clara.ca.us>
Date: 7/23/2006 10:33 PM
Subject: Comments on the BAREC DEIR and RDEIR
CC: <info@savebarec.org>, <legal@savebarec.org>

Hi Gloria,

I have a few requests and comments as follows:

Request:

The notice of availability for the RDEIR was made by Kevin Riley on July 20, 2006. However, as of July 23, 2006, the city web site does not have any updates. I do not feel the 45 day period should start if your letter entitled "Public Notice of Availability" states that the web site is a way to get the information and it is not there. The date should start when the City of Santa Clara posts the information online. Can you please check with the City Attorney to determine if it is lawful to start the clock if all methods stated for viewing the content are not met?

R12-1

Comments/Requests:

1. Please forward the planning commission the attachment entitled "Here's the Package." The file attached is: 90nwinchester-package-mailer-may-2006.pdf. I am asking that you include this in public comments as the proposed developer sent this to Santa Clara citizens. I spoke to numerous people about this and one person who signed our petition to keep the zoning as agriculture stated she thought this mailing was from the City of Santa Clara, and the scare tactics sentence in the mailer prompted her to send in the postcard. The sentence I refer to is the one which states that by not approving this development plan, the state can do whatever it wants with the land without anyone's input. While this may be technically true, the way it is presented and the way the postcard is created (i.e., showing support for the project only) is misleading and something that the City should not condone. I feel the City should make a public statement that it has not sent out any mailers or propaganda of any kind and that it does not support any private activity to do so.

R12-2

R12-3

2. Regarding the mailer listed above (90nwinchester-package-mailer-may-2006.pdf), the title of the group who sent this out is "The Community at 90 N Winchester." The developers know very well the name of the proposed project is Santa Clara Gardens, so why would they deliberately change the name? The only explanation is to confuse the public. These underhanded tactics does not foster educating the public or help the community make an informed decision. As a government body tasked with protecting the public and looking out for its well-being, the City should release a memo or letter stating that they have nothing to do with this mailing.

R12-4

3. I am attaching a copy of the Bicycle Advisory Committee (BAC) presentation I gave last month (bac-vartan.pdf). Please forward it to the planning commission, the city council, and enter it into the public record for this project. I would also like the city staff to explore how this

R12-5

might be beneficial to the city, if I am allowed to make such a request.

4. I saw the Historical and Landmarks Commission meeting minutes posted on your website. They do not appear accurate. The original one you sent me differs significantly in the area where I presented to them. It shows the motion that was made as failing, but it does not show that it was still a majority (3-2) and how the people voted. This is critical information and Santa Clara citizens should know how their commission voted. Could you change this please and let me know when this is done?

R12-6
11/2/06

I downloaded the document from your website at:

<http://www.ci.santa-clara.ca.us/pdf/minutes/HistoricalLandmarks-20060601.pdf>

5. Please ask the planning commission to watch the last City Council meeting (July 18, 2006). In it, our group gave a ten minute presentation to the City Council on the benefits of retaining agriculture land in the City of Santa Clara, the reasons why the City would want to keep agriculture land in Santa Clara, the benefits of an educational urban farm, and examples of successful urban farms. It was agenda item 8B. I would also like to request that they view the public comment section where I spoke (the latter part of agenda item 11). There was also another speaker in this section, Brian Everette, who spoke on urban farming that he does on his property in San Mateo. I think it is critical that everyone on the planning staff (both city staff and commissions) see this presentation so that the mystery of having agriculture in city limits is better understood and how other cities are taking it very seriously.

R12-7
11/2/06

Please let me know that you received this and the attachments properly.

Thank you very much for your time,

Kirk Vartan
kirk@savebarec.org
www.savebarec.org
888-BAREC-80



HERE'S THE PACKAGE

Affordable Senior Housing, Single Family Homes, A Public Park & Landscaped Gardens

A GOOD PACKAGE FOR A BETTER SANTA CLARA


Following more than five years of public meetings involving several hundred local residents and a thorough and complete Environmental Impact Report, the City of Santa Clara's Planning Commission and City Council will soon review the proposed Community at 90 North Winchester.





Across from Valley Fair Mall, the 17 acre site is a former UC Agricultural Research & Extension Center (BAREC) that was phased out of usage and listed as a surplus property in 2001.


The State is now selling the fenced-off land to generate additional funds for the State and provide needed housing and a public park for Santa Clara residents.


The Community at 90 North Winchester has been planned as a package by nonprofit affordable housing experts and market rate housing professionals. After gathering input from neighbors and the broader community, the proposal includes the following components:

 162 affordable housing units for independent seniors with 2.5 acres of landscaped gardens

 A one acre public park for nearby families

 Tightly regulated environmental clean-up to meet strict government standards

 110 single family homes to support Santa Clara's economy and workforce

 Pedestrian-friendly community located near shopping

Rejection of the package could mean that the State of California can choose to develop the property for its own uses, with or without local government and community oversight.

Approval of this package by the City Council will ensure that the community becomes a reality, and Santa Clara residents continue to have a say over development on the site.

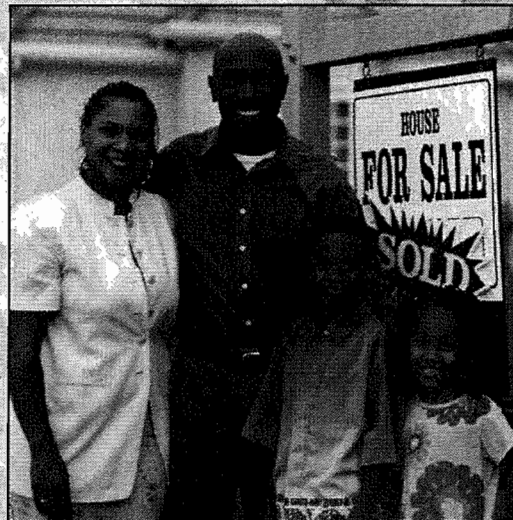


Illustration by Barney Davidge Associates



We Want to

HEAR FROM YOU

We want your input on this important issue. Please fill out and return the card below with your comments or questions regarding this community.

For more information, visit www.90NWINCHESTER.com

NAME _____

ADDRESS _____

CITY _____

STATE _____

ZIP _____

PHONE _____

EMAIL _____

I will: ☐ Support the project. You may use my name along with other supporters.
☐ Attend a public meeting to offer support. ☐ Write a letter in support of the project.

Please write your comments or questions below then drop in the mail and we will get back to you soon via phone or email.

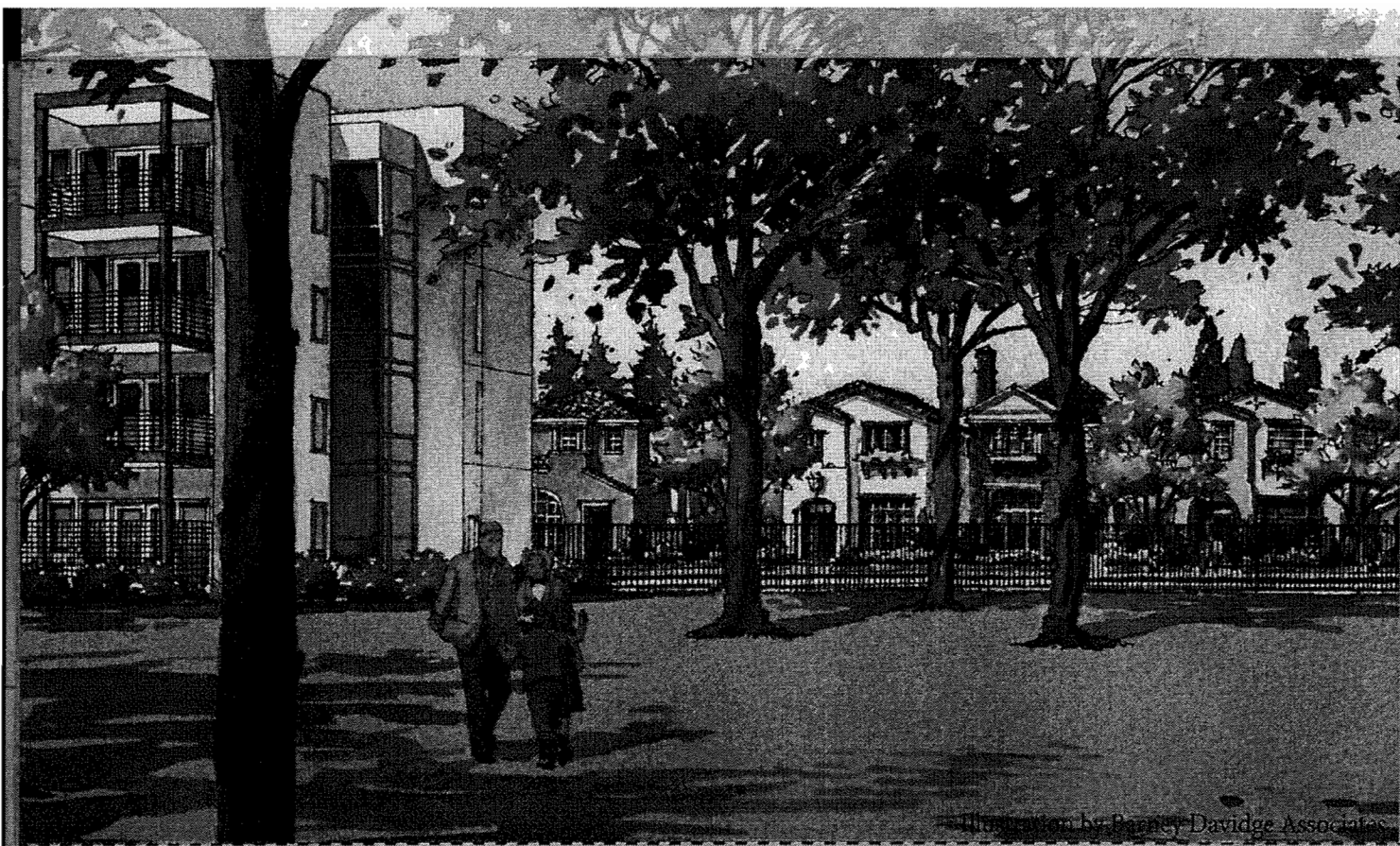


Illustration by Barney Davidge Associates

Place
Stamp
Here

The Community at 90 North Winchester
P.O. Box 2712
Santa Clara, CA 95055

The Community at 90 North Winchester
P.O. Box 2712
Santa Clara, CA 95055

Prsrt. Std.
U.S. Postage
PAID
TBW

*****ECRL0T*

SANTA CLARA CA 95050-



Illustration by Barney Davidge Associates

BAC Presentation on BAREC Land Possibilities

By Kirk Vartan
kirk@SaveBAREC.org

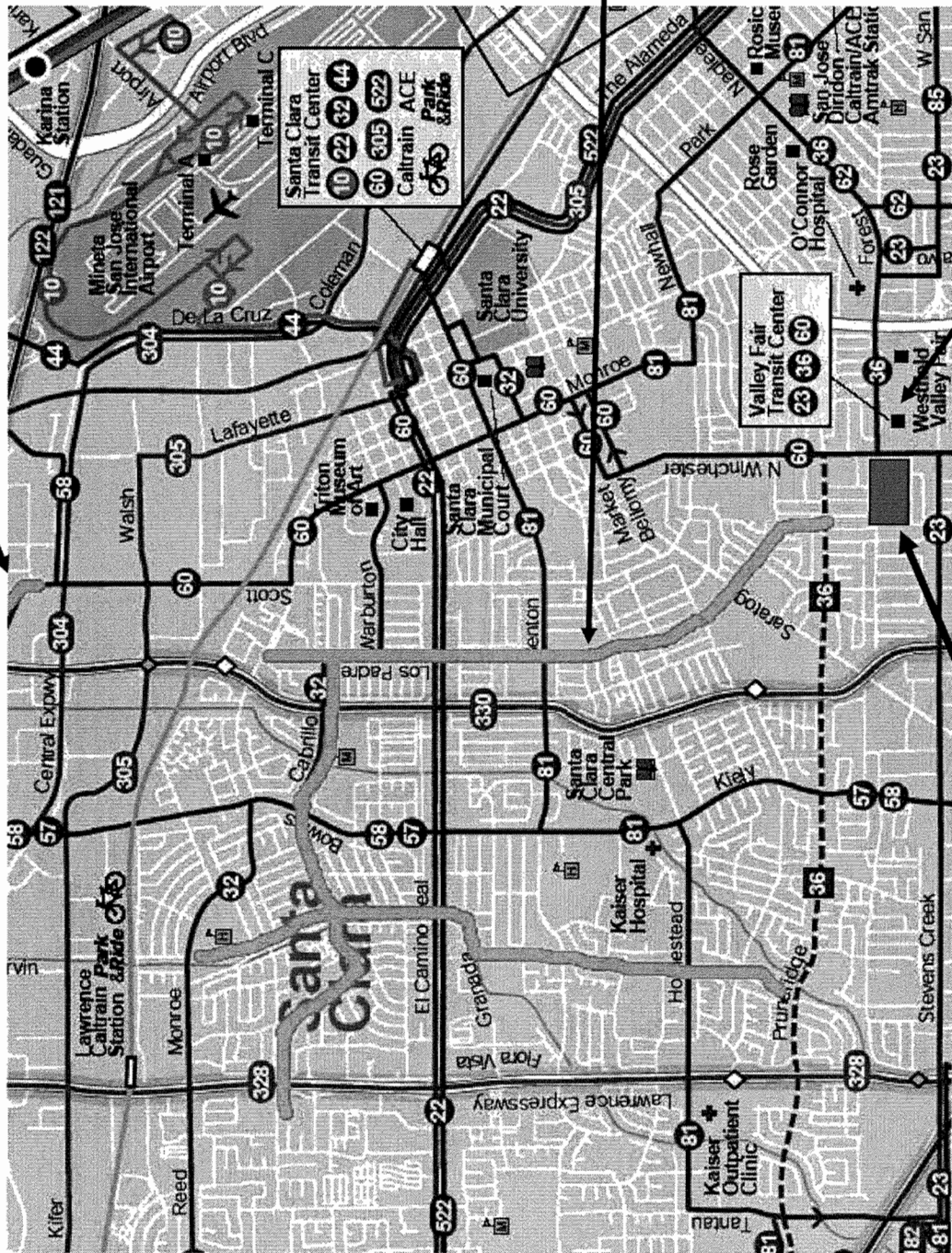
June 28, 2006



- Possible ingress/egress point for bikes to VTA
- Mass transit connection to hi-tech in Santa Clara from other cities
- Potential connection to hi-tech in Santa Clara from other cities
- Possible destination for bikers, rest area, secure storage for malls trips

San Tomas Aquinas Creek Trail

Los Padres

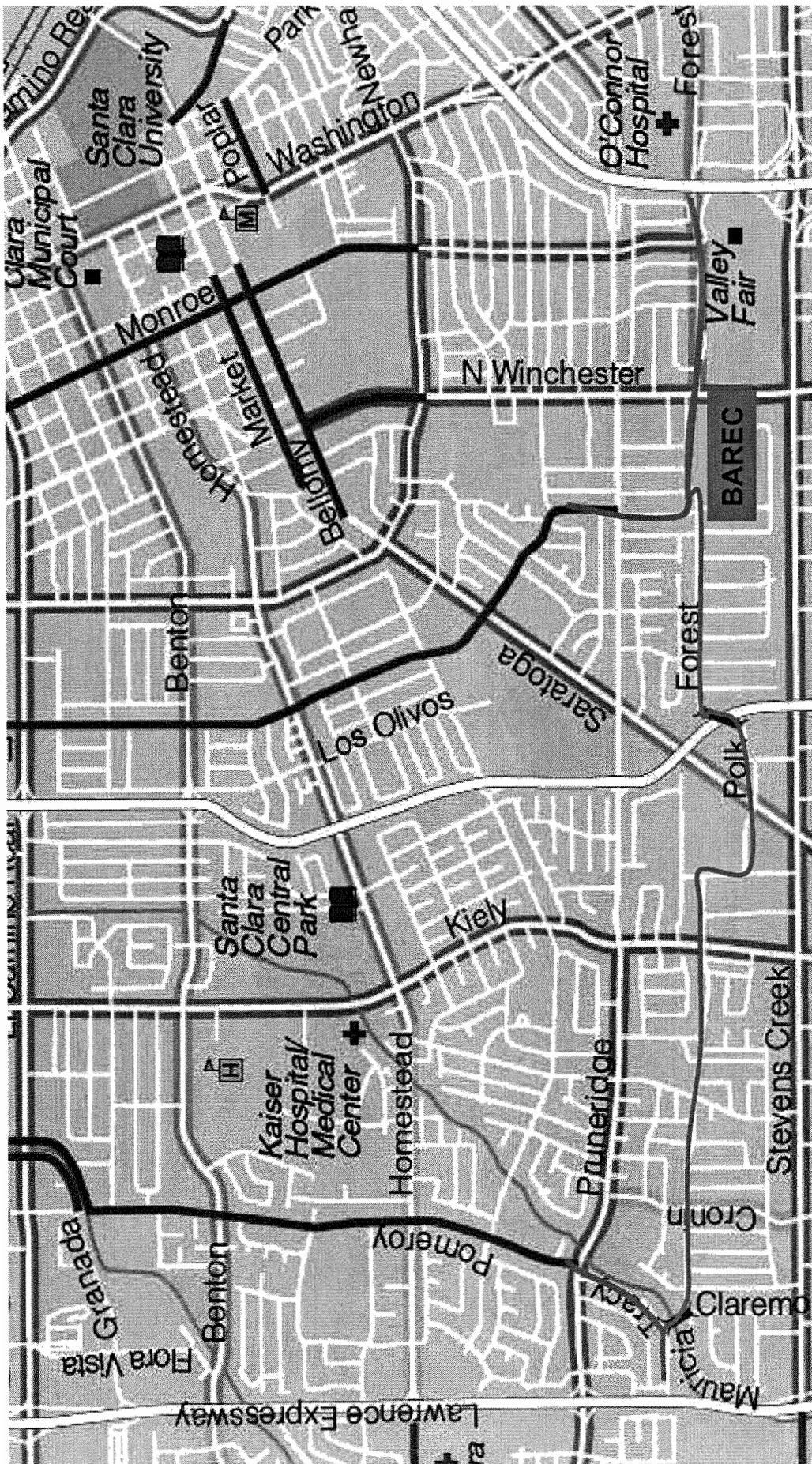


Public land (BAREC)

Valley Fair Transit Center
23 36 60

Valley Fair Transit Center
23 36 60

Santa Clara Transit Center
10 22 32 44
60 305 522
Caltrain ACE
Park & Ride



- Options for connecting Lawrence to the Mall or I-880
- Linking directly to Los Padres
- Another reason to extend San Tomas Aquinas trail to Los Padres

Opportunities for Public Land

- Bike destination/resting point
- Nourishment/refreshment for travelers
- Direct link to a VTA bus hub
- Extend bike trails access to a single bus ride; encourage more bike usage
- Utilize public space for secure storage of equipment (e.g., bikes)
- Encourage biking to work to hi-tech firms from distances farther than 6-8 miles (VTA can get you to a manageable distance)

LETTER R12

Kirk Vartan
July 23, 2006

- R12-1** The commenter states that the 45-day review period should start when the City of Santa Clara posts the information online. The Recirculated DEIR was made available on July 20, 2006 at the Santa Clara Planning Department, local libraries, and State Clearinghouse, which initiated the public review period. The public review period continued until September 8, 2006, for a total of 51 days, which complies with Section 15105 of the State CEQA Guidelines. The Recirculated DEIR was posted on the City's website on July 26, 2006. Please also refer to response to comment R15-1 regarding a citizen comment about a delay at the Santa Clara library.
- R12-2** The commenter submits an attachment titled "Here's the Package," which is a brochure promoting the Proposed Project, and requests that this be presented in the public comments and forwarded to the planning commission. The mailer attached to the comment letter was not prepared or endorsed by the City of Santa Clara or the State of California. The record contains all promotional materials submitted by commenters to the City. These materials include information both in support of and in opposition to the project. These materials are all part of the record that upon which the City will base its decision.
- R12-3** The commenter states that the City should make a public statement confirming that they did not send this mailer. The materials attached to the comment letter were not prepared or distributed by the City.
- R12-4** The commenter asks questions regarding information provided in the mailer. The comment requests information regarding the motives or tactics behind the mailer. Because the City neither prepared nor endorsed the mailer, the City cannot speculate about such matters.
- R12-5** The commenter requests that his attached Bicycle Advisory Committee presentation be included in the public record and forwarded to the Planning Commission and City Council. The attached information has been included in the FEIR.
- R12-6** The commenter states that the Historical and Landmarks Commission meeting minutes on the City's website do not accurately reflect the results of the meeting. The meeting minutes to which the commenter refers were prepared and approved by the Historic and Landmarks Commission. The minutes prepared by staff for Commission review and approval provide a summary of the key points raised and present the Commission actions or recommendations.
- R12-7** The commenter requests that the Planning Commission watch the July 18, 2006 City Council meeting. No response is necessary, because no questions or new information regarding the environmental analysis were raised.

Kristen Stoner - BAREC

From: <BROCHE545@aol.com>
To: <gsciara@ci.santa-clara.ca.us>
Date: 7/25/2006 1:40 PM
Subject: BAREC

Regarding the BAREC area I would appreciated if the Mayor would try to work with the community to provide a unique area for all to use. Seems to me the city folks and the BAREC folks should be working **together** on this!
Arlene Rusche

R13-1

LETTER R13

Arlene Rusche
July 25, 2006

R13-1

The commenter urges the Mayor, City, and community to work together in providing a unique area for all to use. No response is necessary, because no questions or new information regarding the environmental analysis were raised.

From: "linda perrine" <strangefirewillow@yahoo.com>
To: <gsciara@ci.santa-clara.ca.us>
Date: 7/28/2006 3:10:16 PM
Subject: Recirculated Draft EIR for BAREC

Gloria,

I have looked over the two changes addressed in the Recirculated DEIR for the BAREC property. As you summarized, they address minor changes for transportation impacts in conjunction with the planned Valley Fair mall expansion and clarifications in the Hazardous materials section of the DEIR.

R14-1
NITE1

When will the remaining comments on other parts of this document be addressed, either in the document or in a response to the individuals who submitted comments?

R14-2
NITE2

Specifically, the two subjects that do not seem to have been addressed by your RDEIR are:

1) The public's collective comments on the suggested alternative to remediate the toxic chemicals through Bioremediation/Phytoremediation instead of current plan of excavation?

R14-3
NITE3

2) The public's collective comments on evaluation of an organic educational farm on this property as an environmentally superior alternative to the proposed project?

R14-4
NITE4

Will we hear back on your team's reasons for not addressing the above two issues we tried to bring to your attention through public comments on the DEIR?

R14-5
NITE5

Thank you,
 Linda Perrine

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<http://mail.yahoo.com>

LETTER R14

Linda Perrine

July 28, 2006

- R14-1** The commenter provides a summary of Recirculated DEIR contents. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- R14-2** The commenter asks when other comments on the DEIR will be addressed. This document provides written responses to all comments received on both the DEIR and Recirculated DEIR. This document also addresses any changes to the text of the EIR. Please see Chapter 6.0, “Revisions to the DEIR and Recirculated DEIR.”
- R14-3** The commenter states that the Recirculated DEIR does not address comments asking that the City consider a bioremediation/ phytoremediation alternative. Please refer to Master Response 4, Section 3.4.4, “Use of Phytoremediation/Bioremediation to Remediate On-Site Soils,” for a discussion of the feasibility of biological remediation processes.
- R14-4** The commenter states that the Recirculated DEIR does not address comments on the evaluation of an organic educational farm alternative. Section 7.3, “No Project Alternative – Current Zoning” evaluates the environmental impacts associated with allowing agricultural uses at the site to continue consistent with existing zoning designations at the Project Site. This would be similar to the environmental effects of an educational farm; however, neither the “No Project Alternative – Current Zoning,” nor an educational farm would achieve the basic project objectives for residential uses. As described in Section 7.8, “Environmentally Superior Alternative,” the No Project Alternative – Current Zoning was determined to not be the environmentally superior alternative. Please refer to Chapter 7.0, “Alternatives,” of the DEIR for more information.
- R14-5** The commenter asks when a response will be provided for above comments. Responses to comments are provided in response to comments R14-3 and R14-4. Further, responses to all comments on the DEIR and RDEIR are provided together in this document.

R15

From: "Angela D'Orfani" <adorfani@pacbell.net>
To: "gloria sciara" <gsciara@ci.santa-clara.ca.us>
Date: 7/31/2006 9:50:42 AM
Subject: Comments on BAREC RDEIR

Hello Ms Sciara,

The notice of availability for the RDEIR was made by Kevin Riley on July 20, 2006. On July 26, 2006, the city library made the document available for review but only on site. This was only after questioning 2 library staff members one of whom had to retrieve the document from the employees-only cataloging area of the library. An on site review of this lengthy document is not possible for me. I requested to be notified when the document would be available for check-out and was told I would be notified. The library staff also informed me that they had not received the document until July 24. Today, July 31, a full 10 days after the stated date of availability I was notified that I could check-out the document. I do not feel the 45 day period should start if your letter entitled "Public Notice of Availability" states that the Santa Clara Central Park Library has a copy for review and it is not there. The date should start when the City of Santa Clara has made the document available to the public as stated. Can you please check with the City Attorney to determine if it is lawful to start the clock if all methods stated for viewing the content are not met?

Thank you and I look forward to your reply.
Angela D'Orfani

R15-1
K10-1

LETTER R15

Angela D'Orfani
July 31, 2006

R15-1 The commenter states that availability of a copy of the Recirculated DEIR at the library was delayed after the start of the 45-day public review period and questions whether this is lawful. The Recirculated DEIR was made available on July 20, 2006 at the Santa Clara Planning Department and State Clearinghouse to initiate the public review period, and was provided to the library with the intent to make it available the same day. The City kept the public comment period open through September 8, 2006, for a total of 51 days of public review, which complies with Section 15105 of the State CEQA Guidelines. The Recirculated DEIR was delayed in being released on the City's website until September 26, 2006. The EIR's public review process followed the statutory and State CEQA Guidelines requirements for public notice and public review in seeking public input and incorporating it into the EIR.

From: Lupita Torres <mbwprdx13@yahoo.com>
To: <gsciara@ci.santa-clara.ca.us>
Date: 8/1/06 4:57PM
Subject: Save BARECI

To whom it may concern:

I am very disappointed to hear that you did not let the public speak at the Meeting on July 18 , concerning the last agricultural spot left in San Jose. The mayor was not interested in the public's opinion, even though we put him in office. We are going to do everything we can about the last agricultural space left, located off Winchester - this urban sprawl developers and the mayor have created are ridiculous. We need our green!

Sincerely,
Lu

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<http://mail.yahoo.com>

R16-1

LETTER R16

Lupita Torres
August 1, 2006

R16-1 The commenter expresses disappointment that the City and Mayor did not allow the public to speak about the Proposed Project at a July 18, 2006 meeting. No response is necessary, because no questions or new information regarding the environmental analysis were raised.

R17

From: Kim Fettahlioglu
To: Jennifer_Golomb@calcoastal.org
Date: Fri, Aug 4, 2006 1:19 PM
Subject: Re: Save BAREC!!!

Your e-mail has been distributed to Council.

Maria Garza for

Kim Fettahlioglu
Executive Assistant to the Mayor and City Council
City of Santa Clara
408/615-2250
kfettahlioglu@ci.santa-clara.ca.us

>>> <Jennifer_Golomb@calcoastal.org> 08/04/06 11:47 AM >>>
August 4, 2006

City of Santa Clara
City Council and Council Offices
1500 Warburton Avenue
Santa Clara, CA 95050

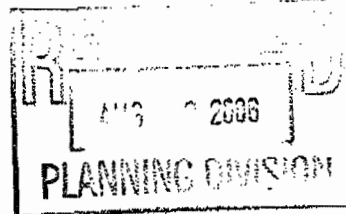
Dear Santa Clara City Council:

The 17 acres of the University of California Agricultural Research Center (BAREC) is a unique one of a kind place. The research on this property has been vital to individual health and to such environmental issues as recycling, pollution reduction, drought, Santa Clara and San Mateo County historical weather records, and appropriate plants for our soil and climate. With its closing the 500 plus Santa Clara County Master Gardeners no longer have a home to educate the public about these important issues. For these and many more reasons I urge you to keep the BAREC property agriculturally zoned.

Since it was considered the State's leader in the rural/urban interface issues and since it has greatly contributed to our culture and history for over 140 years, I believe it is also important you recognize its historical importance to our community and to the State by supporting its City, State, and National Historical Registry status.

Because of its unique history and its location in the middle of our metropolitan area, the property has great potential to bring federal, state, and private foundation money to the City of Santa Clara. The permanent jobs this would create and the good it could bring would far outweigh a housing development which can go anywhere in the Valley and which would eventually become a drain on the City's economy. This land could become a stimulus for new kinds of jobs not yet seen in the Valley and help get us back on track to becoming a more diverse healthy economy. This is something we need as Santa Clara County currently has the highest unemployment rate in the Bay Area. "The average acre of farmland in San Francisco earns \$123,000 per year" quoted from the Agriculture Census.

I urge you to demonstrate your visionary leadership for future generations and vote to keep these 17 acres agriculturally zoned.



R17-1
17-1

R17-2
17-2

R17-3
17-3

Gratefully,

Jennifer Martinez
831-521-7133

LETTER R17

Jennifer Martinez

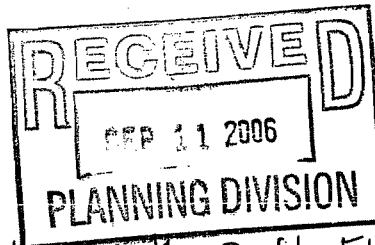
August 4, 2006

- R17-1** The commenter lists previous research projects that have been conducted at the Project Site and explains how closing of the on-site agricultural center has affected the Santa Clara County Master Gardeners. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- R17-2** The commenter requests that the City recognize the site's historical importance by supporting its City, State, and National Registry status. The project's impacts to historic resources are evaluated in conformance with Section 15064.5 of the State CEQA Guidelines and the results of this analysis present in Section 4.11, "Cultural Resources," of the DEIR. As described therein and further elaborated in Master Response 5, the conclusion of the EIR, after extensive research and review of evidence in the record, is that neither the structures on the Project Site nor the landscape qualify as historical resources under Section 15064.5 of the State CEQA Guidelines or are eligible for listing on the California Register of Historical Resources or the National Register of Historic Places. The eligibility criteria are described in Section 4.11, "Cultural Resources," of the DEIR. Further, the City and DGS have consulted with the Office of Historic Preservation (OHP) and staff of OHP has concurred with the findings presented in the DEIR (see Appendix B of this document).
- R17-3** The commenter suggests that left in an agricultural state, the Project Site could bring money to the City and create permanent jobs in Santa Clara County, which currently has the highest unemployment rate in the Bay Area. No response is necessary, because no questions or new information regarding the environmental analysis were raised.

9/6/06

R18

Dear Ms. Sciara,



After having time to review the Draft EIR for the proposed Santa Clara Gardens project at 90 N. Winchester Blvd. in Santa Clara, I am writing to support the no-build alternative to this project.

R18-1

Although I am wholly aware of our area's need to develop more housing and residential space, it would be a short-term appeasement to construct or build upon the site in question - the site is an irreplaceable and historically important Californian landmark, and while I am in favor of new housing development in Santa Clara and Santa Clara county, it is impudent that this potential resource to the community be permanently lost.

R18-2

I believe that the proposed site should be conserved for educational, agricultural, and community resource use by its historical presence alone, but the proposed development as noted in the Draft EIR also raises my concerns over the increased congestion and traffic issues that would occur. The increase in air pollution and traffic from the proposed Santa Clara Gardens is an unacceptable risk to this area and its current residents.

R18-3

Ms. Sciara, I respectfully urge you to promote or support the conservation of this site for future agricultural or public use, which had been its prior designation - it is a crucial and unique resource to Santa Clara and the state.

R18-4

Sincerely,

Stephanie Chang

Stephanie Chang

13515 Toni Ann Pl., Saratoga CA 95070

LETTER R18

Stephanie Chang
September 6, 2006

- R18-1** The commenter states that she has reviewed the DEIR and is in support of the no-build alternative to the project. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- R18-2** The commenter states that although she is in favor of new housing in Santa Clara, the Proposed Project should not occur on the Project Site because it is irreplaceable and a historically important California landmark. The project's impacts to historic resources are evaluated in conformance with Section 15064.5 of the State CEQA Guidelines and the results of this analysis present in Section 4.11, "Cultural Resources," of the DEIR. As described therein and further elaborated in Master Response 5, the conclusion of the EIR, after extensive research and review of evidence in the record, is that neither the structures on the Project Site nor the landscape qualify as historical resources under Section 15064.5 of the State CEQA Guidelines or are eligible for listing on the California Register of Historical Resources or the National Register of Historic Places. The eligibility criteria are described in Section 4.11, "Cultural Resources," of the DEIR. Further, the City and DGS have consulted with the Office of Historic Preservation (OHP) and staff of OHP has concurred with the findings presented in the DEIR (see Appendix B of this document). Please also refer to Master Response 5.
- R18-3** The commenter states that the Project Site should be conserved as an educational, agricultural, and community resource. The commenter also expresses concern over increased congestion, traffic, and air pollution from the Proposed Project that would result in an unacceptable risk to the project area and existing residents. The project's traffic and air quality impacts were analyzed consistent with the requirements of CEQA in Section 4.10, "Transportation and Circulation," and Section 4.3, "Air Quality," of the DEIR and Recirculated DEIR. With implementation of mitigation measures in the DEIR, all project-related traffic and air quality impacts would be reduced to the maximum extent feasible. Please also refer to Master Response 3.
- R18-4** The commenter urges the City to preserve the site for agricultural and public use because it is a crucial and unique resource to Santa Clara and the California. Please refer to response to comment R18-2 and Master Response 5.

R19**RECEIVED**

September 7, 2006

SEP 07 2006

CITY OF SANTA CLARA/TO WHOM IT MAY CONCERN:

I am a concerned citizen that lives near the property owned by the State of California known as BAREC, and I do not want the State to develop that property as currently planned. I want the property to remain zoned for agricultural use only, and more particularly, there should no be remediation or excavation as planned by the State, because it will disturb the toxic chemicals found in the soil there, and create a serious health risk.

I have reviewed the State's EIR and Remediation Action Work plans for BAREC, and I am particularly concerned that they have discovered the chemical known as dieldrin in the soil there. I have learned that dieldrin is a very dangerous chemical and in fact was found to be so dangerous that it was completely banned by the EPA. Because of concerns about damage to the environment and potentially to human health, the EPA banned all uses of dieldrin in 1974, except to control termites. In 1987, after finding that it was even too unsafe for that, the EPA banned it completely.

I have also learned that volatilization (evaporation) of dieldrin is the principle route of loss from contaminated soil, that is, if such soil is left undisturbed. The volatilization process is slow, but it is safe so long as the soil remains undisturbed. However, once dieldrin in soil is disturbed and becomes airborne, I understand it can travel great distances. The State's current remediation plan includes excavation and removal of the soil. If the State's plan is allowed, the dieldrin will immediately become airborne in the soil dust during excavation.

I have been told that studies in the Northwest Territories of Canada have found mean concentrations of 0.75 nanograms per liter in Arctic snow. (A nanogram is one - billionth of a gram.) Yet, there were no known nearby sources of dieldrin found. It is believed that the dieldrin reached the Arctic attached to contaminated airborne soil dust particles from thousands of miles away. I have also been told that our own U.S. EPA finds dieldrin so dangerous that it limits the amount of dieldrin that may be present in drinking water to 0.001 and 0.002 milligrams per liter of water for protection against health effects. A milligram is one-thousandth of a gram. A gram is about 1/40 of an ounce. Working that out, -- the EPA is so afraid of dieldrin contamination, that it doesn't even want enough of it that might be able to moisten the head of a pin to be in a liter of water. Yet, the State thinks it is okay to put the dieldrin found at BAREC airborne, right in the middle of a residential area. A chemical that can be found in concentrations of 0.75 nanograms per liter, 1000's of miles away from its source.

I have further learned that dieldrin binds tightly to soil. It breaks down very slowly and not very easily. It is known to be an extremely persistent organic pollutant. It tends to accumulate as it is passed along the food chain. It has been proven to be toxic to a very wide range of animals, including humans. Dieldrin is stored in our fat cells and leaves the body very slowly. The Food and Agricultural Organization of the United Nations has found that Dieldrin is probably five times as toxic as DDT when swallowed, and 40 times as toxic even when absorbed through the skin. I never want to find out if it is that toxic through airborne exposure. However, I have learned there is a safer way to clean it all up and it will keep this property agriculturally zoned. We do not need to disturb the soil as planned by the State. Plants can take in and store dieldrin from the soil. This method of clean up is called phytoremediation and it is the safest method for a residential area. Also, phytoremediation has been found to have a 20 to 80 percent cost savings over the States proposed methods.

I therefore for the reasons stated above request that you immediately stop any commercial development on the BAREC property, particularly anything that is not in line with keeping this property agriculturally zoned. I also ask that you immediately take all necessary steps to ensure that the State take no steps to implement its current remediation plan, and instead require a phytoremediation plan be immediately put in place for BAREC. I also want you to ensure that all contaminants, including dieldrin on the BAREC property will be safely cleaned up by the State, so as to not put me, my family, my friends and neighbors at any further risk.

Sincerely,

Name:

Brad Leonard

Address:

2147 Newhall St. #219

City, State, Zip:

Santa Clara CA 95050R19-1
R19-1

LETTER R19

Brad Leonard
September 7, 2006

R19-1 This comment letter repeats the content of comment letter 36. Please refer to responses to comments 35-1 through 35-6.

R20

From: <samccray@aol.com>
To: <GSciara@ci.santa-clara.ca.us>
Date: 9/7/06 5:34PM
Subject: BAREC

Here is your copy of my letter to the State of California, Mr. Jeffrey Crone regarding the BAREC property. I would like this document included with my comments on the DEIR.

Thank you

Via Fax: 916-376-1833

September 7, 2006

State of California
Department of General Services
Jeffrey R. Crone and J. Frank Davidson
707 Third Street, Suite 6-130
West Sacramento, CA 95605

Re: Bay Area Research & Extension Center (BAREC)
90 North Winchester Boulevard, Santa Clara, CA

Dear Mr. Crone,

I am writing to let you know that we are in the process of submitting an application for determination of eligibility with the State Historical Resources Commission, Office of Historical Preservation in Sacramento for the above referenced property.

R20-1

We are confident that the historical importance of this 17.5 acre parcel will be formally acknowledged at their meeting in February 2007 and ask your support in this endeavor.

R20-2

I believe that the current Draft Environmental Impact Report and Revised Draft Environmental Reports prepared for BAREC/Santa Clara Gardens, do not fully address the historical value of the property. Formal review by an appropriate state agency will best determine the status of the property.

R20-3

Thank you for your cooperation. We would appreciate your letter of support as soon as practical but no later than September 20, 2006. Please do not hesitate to call me with any questions you may have.

R20-4

Very truly yours,

Sharon McCray
3767 Xavier Court
Campbell, CA 95008

cc: City of Santa Clara, Gloria Sciara, Project Manager, City of Santa Clara
City of San Jose, Office of the Mayor

Sharon McCray

Daytime telephone: 408-264-9654
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LETTER R20

Sharon McCray
September 7, 2006

- R20-1** The commenter states that she and others are in process of submitting an application for determination of eligibility with the State Historical Resources Commission for the Project Site. The City has not received such an application. The DEIR contains an evaluation of the site's cultural resources in Section 4.11, "Cultural Resources." As described therein and further elaborated in Master Response 5, the conclusion of the EIR, after extensive research and review of evidence in the record, is that neither the structures on the Project Site nor the landscape qualify as historical resources under Section 15064.5 of the State CEQA Guidelines or are eligible for listing on the California Register of Historical Resources or the National Register of Historic Places. Further, the City and DGS have consulted with the Office of Historic Preservation (OHP) and staff of OHP has concurred with the findings presented in the DEIR (see Appendix B of this document).
- R20-2** The commenter expresses confidence that the historical importance of the Project Site will be formally acknowledged at a meeting in February 2007 and asks for the City's support in this endeavor. Please refer to Master Response 5 and response to comment R20-1.
- R20-3** The commenter states that the DEIR and Recirculated DEIR do not fully address the historical value of the property and that formal review by an appropriate state agency will best determine the status of the property. The commenter does not provide any evidence that indicates the analysis is inadequate. The DEIR contains an evaluation of the site's cultural resources consistent with the requirements of CEQA in Section 4.11, "Cultural Resources." As described therein and further elaborated in Master Response 5, the conclusion of the EIR, after extensive research and review of evidence in the record, is that neither the structures on the Project Site nor the landscape qualify as historical resources under Section 15064.5 of the State CEQA Guidelines or are eligible for listing on the California Register of Historical Resources or the National Register of Historic Places. The OHP was consulted during preparation of the DEIR (meeting held February 8, 2006) and during the preparation of responses to comments received on the DEIR. OHP has issued a concurrence letter stating that staff of OHP agrees with the findings presented in the DEIR (see Appendix B of this document).
- R20-4** The commenter asks for the City's letter of support no later than September 20, 2006. No response is necessary, because no questions or new information regarding the environmental analysis were raised.

From: "Paul E. Duchscherer" <pduchscherer@earthlink.net>
To: <gsciara@ci.santa-clara.ca.us>
Date: 9/7/06 9:47PM
Subject: The future of BAREC

Dear Ms. Sciara,

As an author and expert on historical American architecture, interiors, and landscapes/gardens of the 19th and early 20th centuries, I wish to express my opinion about the future fate of BAREC. I feel it is important that BAREC, the former UC Agricultural Research Center on Winchester in Santa Clara, should be included in both the State and National Historical Registries. I believe that this ensemble of site and buildings, when considered with its past uses, has notable historical importance. The structures in particular represent excellent examples of well-designed, solidly constructed period buildings that have survived in remarkably sound condition. Although the structures were built 20 years apart, it is apparent that an effort was made to ensure a harmonious design relationship between them. For example, their roof designs bear close comparison. These reflect characteristic forms seen in other similarly-scaled structures (both residential and commercial examples) built in the same period, and show an influence of the early 20th century Arts and Crafts Movement. Additionally, the BAREC site has had three unique and important historical usages since the 1880s: as a Home for Feeble-minded Children, as a Home for Civil War Veterans, and as an agricultural research center.

R21-1
R21-1

It is notable that BAREC is centered between the National Historical Registered Winchester House, and the State Historical Registered Santa Clara Mission. Both of those sites, in their most important historical periods, were surrounded by farmland. Since neither site has managed to survive with its original agricultural setting intact, it is especially important to consider that BAREC represents what those two important sites have lost: farmland. Because the BAREC site existed in the 1800s, at the same time when those two other historical sites were in their prime, all three sites therefore share an important contextual link, and in this sense, their collective historical meaning is further enhanced. Among others, this factor will be invaluable in helping to ensure a greater sense of understanding and appreciation of the region's richly diverse history for future generations. This opportunity will not occur ever again.

R21-2
R21-2

For your further information, the following represents some of my expertise and experience: I am the author of several books about historic architecture and design, including *The Bungalow: America's Arts & Crafts Home* (1995), *Inside the Bungalow: America's Arts & Crafts Interior* (1997), *Outside the Bungalow: America's Arts & Crafts Garden* (1999), and *Victorian Glory in San Francisco and the Bay Area* (2001), all published by Penguin Putnam Inc. (I have also written other books on related topics for Pomegranate and Gibbs Smith publishers). In 1975, I graduated from the Rudolph Schaeffer School of Design. In my work as a design consultant, I have professional experience in both commercial and residential interiors. With an extensive working knowledge of the history of architecture, interior design and decorative arts, I specialize in period-style projects, and work mostly with historic buildings. Examples of my design work, especially projects featuring ornamental ceiling designs, have been widely published. As an avid proponent of historic preservation, I also have working experience as a teacher and lecturer, and have written widely for related periodicals about aspects of historic architecture and design. I have also appeared on various television programs (including the PBS series "This Old House"), and have most often

R21-3
R21-3

been featured as a guest designer on HGTV's popular "Curb Appeal" series.

I appreciate this opportunity to be able to express my opinion about the future of the BAREC site, which I truly believe is of great importance in the effort to preserve what remains of the Bay Area's vanishing heritage. Thank you for your consideration.

Sincerely,
Paul Duchscherer

R21-3,
Cont'd

R21-4,
Cont'd

LETTER R21

Paul E. Duchscherer

September 7, 2006

- R21-1** The commenter states that the Project Site should be listed on the State and National historical registries and that combined, the site, buildings, and historic uses of the site are of notable historical importance. The commenter provides a description of architectural features and condition of existing onsite buildings. The project's impacts to historic resources are evaluated in conformance with Section 15064.5 of the State CEQA Guidelines and the results of this analysis present in Section 4.11, "Cultural Resources," of the DEIR. As described therein and further elaborated in Master Response 5, the conclusion of the EIR, after extensive research and review of evidence in the record, is that neither the structures on the Project Site nor the landscape qualify as historical resources under Section 15064.5 of the State CEQA Guidelines or are eligible for listing on the California Register of Historical Resources or the National Register of Historic Places. The eligibility criteria are described in Section 4.11, "Cultural Resources," of the DEIR. Further, the City and DGS have consulted with the Office of Historic Preservation (OHP) and staff of OHP has concurred with the findings presented in the DEIR (see Appendix B of this document).
- R21-2** The commenter suggests that the BAREC site should be considered historically significant because of its proximity to 2 other historically important sites, the Winchester House and Santa Clara Mission. Please refer to response to comment R7-2.
- R21-3** The commenter describes his experience in historic architecture and design. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- R21-4** The commenter states that the Project Site is of great importance in the effort to preserve what remains of the Bay Area's vanishing heritage. Please refer to response to comment R21-1. No response is necessary, because no questions or new information regarding the environmental analysis were raised.

From: "Kathryn Mathewson" <kmathewson@secretgardens.com>
To: <gsciara@ci.santa-clara.ca.us>
Date: 9/8/2006 2:12:20 PM
Subject: BAREC EIR Comment from Tom Brown

Hello Gloria:

Tom Brown asked me to forward his letter to you as his EIR comment. He is a history person and not much of a computer person and, therefore, it takes some time to communicate with him via email. He is best reached by phone. His contact information is listed on the attached letter at the bottom. My best to you coordinating all the BAREC EIR comments!

Kathryn Mathewson

408-292-9595

kmathewson@secretgardens.com

THOMAS A. BROWN



LANDSCAPE ARCHITECT

7 September 2006

Gloria Sciara, Project Manager
City of Santa Clara, Planning Division
1500 Civic Center Drive
Santa Clara, CA 95050

gsciara@ci.santa-clara.ca.us

Re: BAREC EIR (Santa Clara Gardens)

Dear Sirs;

It is my understanding that an EIR prepared for the State of California has declared the property not to have historical significance. I wish to protest this finding. Not Historic?

R22-1

In the late 1920s the Santa Clara Valley still had extensive orchards, and the Deciduous Fruit station, as it came to be called (now Bay Area Research and Extension Center, BAREC), was of great support to fruit growers all over northern California. With increasing urbanization in the 1950s and 1960s, it broadened its research efforts to fruits and ornamental species for the home gardener. It was the out-doors, hands-on laboratory for us landscape architects; the County Extension officers relied on it to come up with answers to our new questions. It has been an educational facility for many aspects of the community and has had an incalculable effect upon the garden-like appearance of our suburbs.

R22-2

There was vision here; imagining what new needs would be encountered and providing hard data research on a welter of topics such as new useful species of Eucalyptus trees for home and street, new Strawberry varieties and hundreds of other projects. As experiments were concluded they made way for new experiments; this is just like earlier research projects undertaken by Luther Burbank in Santa Rosa but here on a much grander scale. His home and a small portion of his grounds have been restored to tell his story. The same sort of story should be told about BAREC, which, coincidentally, began its horticultural and agricultural contribution only a couple of years after Burbank's death in 1926. Would anyone say the Burbank grounds are not historic?

R22-3

The commercial value of Burbank's work dwindled rapidly after his death; the results of the work at BAREC continue. Surely better uses can be found for this land than housing, uses that reflect its historical importance and maintain a horticultural connection for the future. But to claim that the land has no historical significance is so blatantly in error that it calls into question the impartiality and accuracy of the entire EIR.

R22-4

I consider myself as one of California's leading historical preservation landscape architects and educators. I have 40 years of private practice as a landscape architect and have taught garden/landscape history at the University of California Berkeley's Landscape Architecture Department for 12 years and also at the UC Extension for 14 years. I am incoming president of the California Gardens and Landscape History Society. Some of my company's recent historical preservation design work is a plan for the University of Arizona and also one for the Leland Stanford Mansion in Sacramento.

R22-5

Sincerely,
Thomas A. Brown

GARDEN & LANDSCAPE PLANNING • DESIGN • HISTORICAL RESTORATION & RESEARCH
Calif. Lic.1298 200 4th St., Suite E Petaluma, California 94952
(707)765-6129 hortulus@sonic.net

LETTER R22

Tom Brown
September 7, 2006

- R22-1** The commenter expresses objection to the DEIR's conclusion that the Project Site is not a historically significant property. The DEIR contains an evaluation of the site's cultural resources consistent with the requirements of CEQA in Section 4.11, "Cultural Resources." As described therein and further elaborated in Master Response 5, the conclusion of the EIR, after extensive research and review of evidence in the record, is that neither the structures on the Project Site nor the landscape qualify as historical resources under Section 15064.5 of the State CEQA Guidelines or are eligible for listing on the California Register of Historical Resources or the National Register of Historic Places. Further, the City and DGS have consulted with the Office of Historic Preservation (OHP) and staff of OHP has concurred with the findings presented in the DEIR (see Appendix B of this document).
- R22-2** The commenter summarizes their opinion of the importance of the Project Site. Please refer to response to comment 22-1.
- R22-3** The commenter suggests that the BAREC site should be restored similar to the way Luther Burbank's home and grounds were restored to tell his story. Please refer to response to comment 22-1 and Master Response 5. No significant historic resource impacts were identified in the DEIR (see Section 4.11, "Cultural Resources"). Therefore, mitigation to restore buildings on the Project Site are not required.
- R22-4** The commenter disagrees with the EIR's findings regarding historical significance. Please refer to Master Responses 2 and 5 and response to comment 22-1.
- R22-5** The commenter summarizes his professional experience and credentials as a landscape architect. No response is necessary, because no questions or new information regarding the environmental analysis were raised.

From: "Kirk Vartan" <kirk@savebarec.org>
To: "Gloria Sciara" <GSciara@ci.santa-clara.ca.us>
Date: 9/8/2006 4:52:21 PM
Subject: BAREC RDEIR/Santa Clara Gardens comments

The following are web pages that I would like you to include in the public comments.

Thank you,

Kirk Vartan

kirk@savebarec.org
www.savebarec.org
888-BAREC-80

CC: <info@savebarec.org>

R23-1

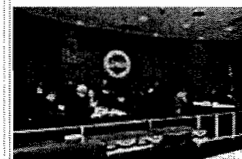


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Santa Clara City Council Meeting May 9, 2006 Friends of BAREC ask for a 15 minute time slot...Mayor opposed



On May 9th, Linda Perrine, representing Friends of BAREC, asked the City Council for 15 minutes to present an environmentally superior land use for the BAREC property. Council Member Kennedy made a motion to hear a coherent 15 minute presentation, rather than the alternative of having multiple people present 2-3 minutes at a time as Jennifer Sparacino, the City Manager, suggested.

Mayor Mahan talked about subverting the public process and would not stand for it. Twice, she felt the need to express her dissatisfaction with the motion and the fact the City Council was being asked to hear something about a land use from the public. Ultimately, the motion to hear the 15 minute presentation failed 4-2.

Why is the Mayor so nervous about sharing information with the public? Isn't that the job of government?

Introduction/Jennifer Sparacino (City Manager):

> Sparacino's comments suggesting the Council not approve the request for 15 minutes (4 minutes - 2MB)

Linda Perrine Request

> Linda Perrine asking for 15 minutes (3 minutes - 2MB)

Councilmember Mathews asks for clarification on process. Warned by City staff about tainting the process

> Mathews/Sparacino/Riley's comments discouraging non-applicant issue. (3 minutes - 1.5MB)

Mathews Asks if Alternative Land Use will be heard

> Riley responds that "only those applications that have the signature of the property owner are considered a valid application by the City Council..." (30 sec - 200KB)

Councilmember Kennedy makes a motion to hear the presentation

> Motion made and seconded (49 sec - 500KB)

Mayor Mahan has serious concerns with the motion

> Process is getting subverted (2 minutes - 1 MB)

Frank Freedman Asking for Council Consideration

> Freedman's comments (2 minutes - 1MB)

Steve Hazel making general comments

> Hazel's comments (3 minutes - 1.5MB)

Councilmember Kolstad agreeing with City Staff

> Kolstad comments (1 minute - 500KB)

Councilmember Mathews trying to compromise

> Mathews comments (1 minute - 400KB)

Mayor Mahan says it subverts existing process. Says SummerHill and other stake holders need opportunity to speak

> Mahan subversion comments (1.5 minute - 2MB)

Councilmember Mathews changes his mind.....

Motion Fails 4-2, Kennedy/Moore supports

> Mathews comments (1 minute - 500KB)

Entire video of the relevant parts of the meeting:

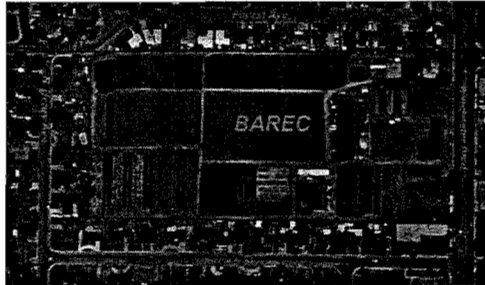
Click here to see complete video (23 minutes - 12MB)

Videos require: Microsoft Window Media

For comments or questions, please email us at: info@savebarec.org or call 888-BAREC-80 (888-227-3280). This is a project of VIVA (Valley Initiative for Values in Urban Agriculture and Horticulture) and SaveBAREC



What is BAREC?



This open space in the city of Santa Clara, adjacent to San Jose, is considered the State's leader in rural/urban issues: health, the environment, sustainability, recycling, and pollution prevention. The land and its buildings are in line for being listed in the National Historic Registry.

"It's [BAREC] a marvelous facility that is supporting research on turf grass, landscape plants, cut flowers, high value horticultural crops, composting, bio-intensive pest management, alternatives to methyl bromide and other high visibility topics. It's also a very unique property for studying ag-urban interface issues. These interface issues will only grow in importance in the coming years."

Steven Nation, Assistant to the University of California President of Agriculture and Natural Resources (before the Center was closed).

"BAREC is so important to the City and region that it should be placed on the National Historical Registry."

Lori Garcia, Santa Clara City Historian and Commissioner on the Santa Clara County Historical Commission and Chairman of the Santa Clara Planning Commission.

A five minute PowerPoint presentation by Joseph Garbarino, a West Valley student, to the Parks Management Department, West Valley College in Saratoga, CA, May 20, 2004: [A Simple Way to Be Introduced to BAREC \(780KB\)](#). Use this as a simple way to communicate the value and need to preserve BAREC's heritage.

A more detailed presentation can be found here, entitled: [Save UC Agriculture/ Horticulture Research Center \(BAREC\) \(2MB\)](#).

See [many pictures of BAREC](#):

[Photos \(property in use\) -- Page 1](#)

[Photos \(property in use\) -- Page 2](#)

See [1997 pictures of BAREC in action](#)

See [February 2004 photos](#)

See [May 2004 photos](#)

For comments or questions, please email us at: info@savebarec.org or call 888-BAREC-80
(888-227-3280).

This is a project of VIVA (Valley Initiative for Values in Urban Agriculture and Horticulture) and
SaveBAREC

Internet Hosting by our friends at:





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Current Affairs...What's Been Going On...



Stop by the Santa Clara Farmers' Market every Saturday between 9:00am-1:00pm. See our table^^^

Here is an example of the popular Green market New York City Farmer's Market in Union Square where 3,000 students from 82 schools participate in Green Market's Educational Tours, with over 250,000 visitors a week to the local Farmer's Markets!!!

August 2006

- August 15-September 2: Migrating Canadian Geese use BAREC as a landing pad. See the video here. 100s land every day.
- August 20, The SJ Mercury News awards SaveBAREC.org the Grand Prize for NIMBY. Click here to see it. Scott Herhold wrote this and we encourage you to write him. He really needs a reality check.
- August 11/14, The State did the weed cutting. Some dust was put in the air, but for the most part, the weed control was done. Thanks to the State for doing this to protect the neighborhood. The DTSC was supposed to have air monitors on site, but they did not. No one knows why.
- August 9, Go to our web page that puts most of the relevant past City Council meetings on one page. Click here to see it.
- August 4, The City of Santa Clara sent out a "COURTESY WORK NOTICE" for weed abatement on BAREC to select neighbors only. This has been neglected for months.

July 2006

- July 25, BAREC Recirculated Draft EIR available online here (late in the day).
- July 24, BAREC Recirculated Draft EIR **NOT** available online.
- July 23, BAREC Recirculated Draft EIR **NOT** available online.
- July 22, BAREC Recirculated Draft EIR **NOT** available online.
- July 21, BAREC Recirculated Draft EIR **NOT** available online.
- July 20, Notice of the BAREC Recirculated Draft EIR was just released. Public comment period open. The documents are not yet posted online (as of July 23rd), but hopefully the city will do this soon. Doesn't seem fair that the clock starts before they are available to the public. They said the documents are available at the library.
- July 18, SaveBAREC presented the benefits of an Educational Urban Farm to the City Council.

June 2006

- June 28, Presentation to the Santa Clara Bicycle Advisory Committee (BAC). Click here to see.
- June 20, The New York Times article From Artichokes to Zinfandel, Farm Tours by Patricia Leigh Brown shows how agriculture generates business and revenue for cities.
- June 19, Anna Werner from CBS 5 Investigates does a story about the toxins on BAREC. Click here.
- June 14, 6:00-8:00pm, Meeting to review the proposed 600,000 sq. ft. Valley Fair expansion.
- June 10, VIVA (Valley Initiative for Values in Urban Agriculture and Horticulture), our non-profit parent, now has its federal non-profit status. It is now an official 501(c)(3) non-profit and can authorize full tax deductions. Please contact us for details on how to make donations:
viva@savebarec.org

May 2006

- May 19, Propaganda mailing sent to Santa Clara citizens in hopes to gather support for the housing project. Click here [2MB] to see.

- DTSC [transcript](#) of the public meeting on April 13, 2006 discussing the Draft Removal Action Workplan.
- May 17, SummerHill Homes has scheduled a [meeting](#) (inviting only a select few). So, we decided to spread the word.
- May 13, SJ Mercury, *The Valley* section, Julie Patel's article entitled: [Last Ditch Effort to Turn Back the Clock](#).
- May 9, City of Santa Clara has moved the date of the next public meeting to August/September 2006.
- May 9, SaveBAREC was on the Santa Clara City Council agenda to request time to present an alternate agriculture land use option (educational urban farm).
- The [Spring 2006 issue](#) [500KB] of Preservation Action Council of San Jose (PAC*SJ) news letter features a follow-up update on BAREC.
- May 3, Silicon Valley Metro article on SaveBAREC support, activities, and updates. [Click here](#) for story.

April 2006

- April 26th, Santa Clara Weekly reports on [tire slashing](#) of SaveBAREC group member. [Click here](#) [200KB].
- April 12th, Santa Clara Weekly does a [cover story](#) on BAREC. [Click here](#) [1MB].
- DTSC [transcript](#) of the public meeting on April 13, 2006 discussing the Draft Removal Action Workplan.
- April 6th, SJ Mercury, *The Valley* section, Julie Patel's article entitled: [Hearings on Land Use Near Mall](#).
- April 6th, Historical and Landmarks Commission **votes down the motion** to approve the History and Cultural Resources section of the Draft EIR in a 5-2 vote! Great job! See the update in the SJ Mercury, *Bay Area News in Brief*.
- April 3rd, SJ Mercury News, *The Valley* section, [Sal Pizarro states](#): "But when a piece of land wakes up people enough to join a letter-writing campaign, it's probably worth a second look."
- April 2nd, Sunday, 12:00-5:00pm - Successful Rally at the BAREC site. [See pictures here](#).

March 2006

- For a listing of all dates and events around the Draft EIR and Draft RAW, please [click here](#).
- March 22nd: The Department of Toxic Substances Control (DTSC) released their [Draft Removal Action Workplan](#) (Draft RAW). Please see the bottom of [this page](#).
- March 13th, SJ Mercury, *The Valley* section, Julie Patel's article entitled: [No Easy Fix to Loss of Farmland](#).
- March 9th: The City of Santa Clara's BAREC Draft Environmental Impact Report (EIR) web page is active.
- March 7th: [BAREC was on the agenda](#) (see item 10) for the Santa Clara City Council. See the [last time](#) BAREC was placed on the agenda by the community [here](#) back on April 26, 2005. See the videos and handouts from the [March 7th meeting here](#).

February 2006

- Call or email a letter to the SJ Mercury News' [Sal Pizarro](#) (408-920-5473) asking to have BAREC added to the list of places to preserve in Santa Clara County. Here is a [sample letter](#) to send.
- Met with the Santa Clara Citizens Action Committee and got support for our efforts.

January 2006

- See a [Letter to the Editor](#) in the San José Mercury News, January 31st.
- San José Mercury News article on BAREC published in Sunday's *The Valley* section, January 29, 2006.
- KKUP (91.5 FM) on January 26th at 10:00am to noon. Old Time Farmer produced by former BAREC Director Dr. Craig Kolodge. Sharon McCray and Dr. Craig Kolodge discussed BAREC.
- SaveBAREC [presented at the Cory Neighborhood Association](#) on January 23rd at 7:30pm.
- KKUP (91.5 FM) on January 25th at 7-8:00am. Kathryn Mathewson was on the show talking about BAREC.
- The [latest issue](#) [700KB] of Preservation Action Council of San Jose (PAC*SJ) news letter features BAREC.

December 2005

- We now have over 3,000 signatures on our [petition](#). Thank you!

November 2005

- We legally parked our truck in front of the property according to local a Santa Clara Police Sergeant

(SCPD), yet **the vehicle was towed**. Have a look at the [vehicle report](#) and the **\$457.41** tow charge that I had to pay personally to get the truck out of storage, plus the **\$25.00** SCPD admin fee, totaling **\$482.41** of out of pocket costs. The vehicle is a legal expression of our 1st Amendment Rights!!!

- SaveBAREC was on the ABC 7 News [program](#) at 6:00pm on November 9, 2005. Have a look at the [video](#) [2MB] and the [pictures](#).

- Well, we got to meet HRH The Prince of Wales when he was in [San Francisco](#) with his wife the Duchess of Cornwall. I shook his hand and got a packet of information to him, but no signature...yet. Here are a couple of pictures of him [enjoying some organic produce](#) and [about to meet our group](#). The San José Mercury News even did a [brief write-up](#) on the visit.

- Please get involved. Have a look at the EIR web page on what you can do. [Click here](#).

October 2005

- Read the October 19, 2005 Silicon Valley Metro cover story [Secret Gardens](#) describing the political issues and views on BAREC.

- Read the October 20, 2005 Rose Garden Resident cover story [Fate of the former UC agricultural station rests in hands of Santa Clara City Council](#) describing the many views on the status of BAREC, including some inaccuracies.

- The City of Santa Clara had an [EIR Scoping meeting](#) on October 3rd. Please write the City. [Read the details here](#) on what was said and what you can do.

- Read the Mercury News article "[No Fast Fix for I-280/I-880: It's a Parking Lot in Morning](#)," by Gary Richards, talking about how problems accumulate and how one more large development like BAREC without first fixing the interstate problems will only add to these problems. Given the war and the hurricane relief problems, will our government have the money to fix these intersection problems in the near future? Is it worth taking our historical land and adding even more problems to our community?

September 2005

- Watch *Environmental Concerns* with David Bonasera (aired on September 29, 2005). BAREC is the topic of the show! **The program is 28 minutes. Download the video here: [High quality video](#)** [29MB]

- SaveBAREC presented to County Supervisor Jim Beall. [Click here](#) [900KB] to see the presentation.

August 2005

Just Released: BAREC on the front cover and the lead article in August's [The Californian](#) [5MB] published by the California History Center Foundation at De Anza College, 21250 Stevens Creek Blvd., Cupertino, CA 95014. Written by Master Gardener and Historian Sharon McCray. Published with permission. [Click here](#) to download.

July 2005

The State/Regional *Guadalupe Coyote Resource Conservation District* (GCRCD) wrote a [letter](#) to the State stating they needed BAREC to fulfill their state mandated mission statement and wanted to work with the State to determine how they or a nonprofit could purchase BAREC to keep it as agricultural land. [Click Here](#) to read it. This letter also stated:

"Since the State is legally required to first offer BAREC to State governments and districts and did not and since GCRCD is a State/Regional Agency, the GCRCD's opinion is that we legally have the right to request the Department of General Services to halt your current BAREC plans and offer the site to us. Since the State did not offer BAREC to the GCRCD, we are requesting that you do so now."

June 2005

- The nonprofit VIVA (Valley Initiative for Values Agriculture) sent a [letter](#) to the State with an offer to purchase BAREC for an agriculturally zoned price to be used to meet community needs. [Click here](#) to see the letter.

- **San José Mercury News article on BAREC** published **twice** (June 16, 2005 and on June 23, 2005) in *The Guide*. Please write the San José Mercury News (letters@sjmercury.com) and tell them you do not want BAREC developed!!! The letter to the editor can be no longer than 125 words and you must include your full name, address, and day time phone number.

We have a table at the Santa Clara Farmer's Market **every Saturday**, from 9:00am-1:00pm. Please stop by and visit us and sign our petition to Save BAREC! If you would like to help man our table, please [let us know](#).

Santa Clara City Council Meeting - April 2005

Watch the videos and see/hear what the Mayor and City Council members said when BAREC was on the agenda on April 26, 2005. **This information is very enlightening and proves no final decisions have been made regarding BAREC.**

--> Click here for all the information<--

California FACT:

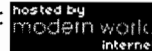
CALIFORNIA CODES, CIVIL CODE SECTION 815

"815. The Legislature finds and declares that the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California. The Legislature further finds and declares it to be the public policy and in the public interest of this state to encourage the voluntary conveyance of conservation easements to qualified nonprofit organizations."

For comments or questions, please email us at: info@savebarec.org or call 888-BAREC-80 (888-227-3280).

This is a project of VIVA (Valley Initiative for Values in Urban Agriculture and Horticulture) and SaveBAREC

Internet Hosting by our friends at:



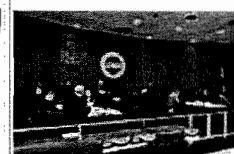


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Santa Clara City Council Meeting July 18, 2006 Educational Urban Farms was on the Agenda



The concept of farmland inside city limits is continuously questioned by the Santa Clara city staff as well as the Santa Clara City Council. For months we have tried to give a complete presentation about the viability and success of an educational urban farm. Finally, on July 18, 2006, we were able to do just that. Linda Perrine gave an 11 minute presentation on why Santa Clara should care about preserving agricultural land in Santa Clara, examples of successful educational urban farms (both in California and in other states), and how all of this can be done without costing the City of Santa Clara any money. Too good to be true? No. Just listen and find out how.

While the presentation was wonderful, the Mayor's rules and regulations around it were not. Not only did she not allow any public comment, she forbid any mention of the word BAREC (i.e., censorship). We are all wondering what laws or rules she was using to prevent any public comment to an agenda item. SaveBAREC has written the City Clerk, Rod Diridon, Jr. and the City Attorney, Michael Downey, for an official response whether this is even legal. There is still no comment from the City Attorney. The Mayor basically did not allow any public comment on the matter...not just SaveBAREC members, but **ANYONE** from the public. Further, she later went on to say that others could speak during the Public Comment section on the agenda (item 11). However, that section specifically says, "This portion of the meeting is reserved for persons desiring to address the Council on any matter not on the agenda." It says right there **"NOT ON THE AGENDA!"** Well, this item **was** on the agenda and the Mayor eliminated all public comment.

You can view the full 14 minute section of the meeting via video below. Additionally, we have broken-up the video into multiple segments, allowing you to see specific testimony from the Mayor and citizens, making it easier to hear the information you are interested in. Simply click on the person and you will see and hear the video stream to your computer. Hand-outs given at the meeting are linked below each person.

Agenda Item 8B - Need for Educational Urban Farm

Mayor's Introduction (including censorship):

> Mayor Mahan (1.5 minutes - 800KB)

Linda Perrine's Presentation on Urban Farms:

> Linda Perrine (11 minutes - 6MB)

-- Linda Perrine handout Please download this and follow along with the video.

> Santa Clara citizen tries to comment and gets the microphone turned off on him (20 sec - 200KB)

Videos require: Microsoft Window Media

Agenda Item 11 - Public Comment

Public Comment (After most citizens left):

> Kirk Vartan (3 minutes - 1.5MB)

> Mayor Mahan responds (23 sec - 200KB)

> Brian Everette (1.5 minutes - 750KB)

Entire video of the relevant parts of the meeting:

Complete Item 8b video (14 minutes - 8MB)

Complete Item 11 video (5 minutes - 3MB)

For comments or questions, please email us at: info@savebarec.org or call 888-BAREC-80 (888-227-3280). This is a project of VIVA (Valley Initiative for Values in Urban Agriculture and Horticulture) and SaveBAREC

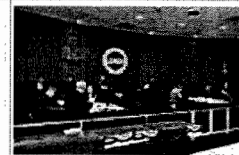


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City of Santa Clara Council Meetings



The following are council meetings that feature BAREC or agricultural land use education. Many of these video clips are no longer available to the public because the City of Santa Clara does not keep a permanent record of any Council Meetings. They are made available on VHS tape and after a few months, the tapes are over written with new City Council meetings. So, it is up to the public to keep the public informed. Please [email us](#) with any questions.

April 26, 2005 - BAREC was placed on the agenda. Good public comments were made and even better City Council comments were made. Council members Caserta, Mathews, and Mahan stated their positions on BAREC. [Click here](#) to view all the information.

March 7, 2006 - BAREC was placed on the agenda to discuss the contamination on the property. The Mayor decided at the last minute to cut public comment to two (2) minutes, down from three. This is only supposed to happen with ten (10) or more speakers. There were only eight. Just another example of the Mayor's actions of not supporting educating the public on this matter. [Click here](#) to view all the information.

May 9, 2006 - Friends of BAREC asked the City Council to allow the group to present an agricultural land use option for BAREC. While certain members of the Council (Kennedy and Moore, and Mathews at one point) were in favor of letting the group give a 15 minute presentation, the Mayor was vehemently opposed to it. She stated it was "subverting the process." The motion to allow the presentation failed 4-2. [Click here](#) to view all the information.

July 18, 2006 - Friends of BAREC was able to get ten (10) minutes in front of the City Council to present the benefits of an **educational urban farm in Santa Clara**. This is an excellent presentation on how farmland can be used in a city. Unfortunately, the Mayor did not allow the public to speak on the matter and even banned/censored the word BAREC from any discussion. The public did not get a chance to speak on this matter. We are still checking to see if this is legal. [Click here](#) to view all the information.

For comments or questions, please email us at: info@savebarec.org or call 888-BAREC-80 (888-227-3280).

This is a project of VIVA (Valley Initiative for Values in Urban Agriculture and Horticulture) and SaveBAREC



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"The greatest making of the future will be from a small piece of land." Abraham Lincoln



Santa Clara City Council Meeting April 26, 2005 BAREC was on the Agenda



BAREC was placed on the agenda by request of Kirk Vartan. Many people spoke and a lot of perspectives, suggestions, and information were shared with the Council.

We have made the entire 36 minute section of the meeting available via video below. Additionally, we have broken-up the video into multiple segments, allowing you to easily see specific testimony from citizens and Council members, making it easier to hear the information you are interested in. We listed some highlight quotes from the video in the right column; however, in case there are any questions about the context of the statements, we are also providing the entire video for viewing. Simply click on a quote on the right, and the video of the person saying those words will start. The hand-outs given at the meeting are linked at the bottom of this column.

City Introduction:

- > [City Manager Introduction \(3 minutes - 800KB\)](#)
- > [Planning Director Introduction \(4 minutes - 1MB\)](#)
- > [City Manager Introduction \(1 minute - 400KB\)](#)

Citizen comments:

- > [Kirk Vartan/Marguerite Lee \(6 minutes - 1.8MB\)](#)
- > [Master Gardener Sharon McCray \(3 minutes - 1MB\)](#)
- > [Lauren McCutcheon \(2 minutes - 600KB\)](#)
- > [Suzie Keels \(1 minute - 300KB\)](#)
- > [Andy Grammet \(2 minutes - 700KB\)](#)
- > [Bill Romano \(2 minutes - 500KB\)](#)

City Staff/Council responses and comments:

- > [City Staff response - Goodfellow \(2 minutes - 400KB\)](#)
- > [Councilmember Caserta \(2 minutes - 500KB\)](#)
- > [Councilmember Mathews \(2 minutes - 600KB\)](#)
- > [Councilmember Moore \(2 minutes - 700KB\)](#)
- > [Mayor Mahan \(3 minutes - 800KB\)](#)

Four documents were shared with the City Council and the audience. Click on any one of them:

The following quotes can be clicked on to hear and see the **actual video** from the following people:

Planning Director Goodfellow:

"Those decisions [current development discussions] are merely preliminary, and the project will have to go through the full Environmental Impact [Report] review, General Plan amendment re-zoning, and probably sub-division maps before any final decisions can be made on the site."

"Closing on that [sales agreement] is contingent on the approval of the plans, just as it would be for the senior portion."

"Yes, the property is contaminated...the worst [soil] contamination will be physically removed."

Councilmember Caserta states:

"I just cannot stand here and say let's just have it [BAREC] all open space."

"Where's the money to do this?"

Councilmember Mathews states:

"I'm a fifth generation, native Santa Claran. My great, great, great, grandfather went out and fought; he's one of those Civil War people."

"The history that I'm going to make is going to be made today...to get this site developed..."

"We're not going to resolve Santana Row's issues of traffic or Valley Fair's traffic by not developing this site..."

Councilmember Moore states:

"I know there's a park; I'd like to see it be a little bit bigger. But, I think that neighborhood needs a park."

Mayor Mahan states:

"The reality is, the property is going to be developed... and there's nothing we can do to stop it. We can't withhold zoning arbitrarily, unless you want to subject this City to a lawsuit that will bankrupt it...and, it's just not going to happen, and I'm sorry to say, that's just the reality of it."

Entire video of the Council meeting:

[Complete video \(36 minutes - 9MB\)](#)

1. Kirk Vartan's Introduction, 2. Pre-meeting notes and information, 3. BAREC's supporter list, and 4. The San Jose Park's Committee letter, showing complete support for keeping BAREC as open space.

Videos require: Microsoft Window Media

For comments or questions, please email us at: info@savebarec.org or call 888-BAREC-80 (888-227-3280). This is a project of VIVA (Valley Initiative for Values in Urban Agriculture and Horticulture) and SaveBAREC



What you can do to help...

Please send in a **donation**. VIVA now has full federal non-profit status 501(c)(3) and can offer full tax benefits for your contribution. Please send to:

VIVA
1698 Hanchett Avenue
San Jose, CA 95128.
viva@savebarec.org

Stop **any** zoning change regarding the BAREC property, specifically changing it from an agricultural piece of property.

We need four votes to insure BAREC is retained in agricultural zoning. It is, therefore, especially important to talk to Mayor Patricia Mahan and share your views. The council members are located [here](#).

Write Santa Clara City Council and tell them:

You want Santa Clara to retain the land to preserve its agriculture/horticulture usage and its history. Simply [download our letter](#) and sign it.

Send your letter to:

**City of Santa Clara
City Council and Council Offices
1500 Warburton Avenue
Santa Clara, CA 95050**

Or email them at:
mayorandcouncil@ci.santa-clara.ca.us,
or call 408-615-2250

You can also send the Santa Clara City Council a letter to petition them to hear your concerns at an official Council meeting. They are required to put you on the agenda to hear your concerns. Download the form [here](#). To learn more about their process, go to their [website](#).

If you would like to help or want further

Shortly, the State will ask the Santa Clara City Council to change the land's zoning from agriculture to housing.



"The average acre of farmland in San Francisco earns \$123,000 per year" - from the *Census of Agriculture and Metro Farm*, a guide to growing a big profit on a small parcel of land by Michael Olson.

[Santa Clara Weekly article - April 20, 2005](#)

Ask your local legislators the hard questions or simply print out our [sample letter \(Word doc\)](#) and send it in! Here is the article from the San Francisco Chronicle, May 2, 2004: "[The High Price of Cheap Food](#)" with Michael Pollan."

Please read our [January 2004 update](#).

List of [current elected officials](#) and other background information.

Please support the City of San Jose and Santa Clara to work together to save as much of BAREC as possible. Write the Mayors, Vice Mayor Pat Dando and Councilman Ken Yaeger.

We are always in need of volunteers. Please [email](#) or call us if you have any time.

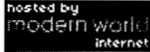
Get signatures on [our petition](#) from your neighbors. When complete, [email us](#) for a drop off meeting or an address to send them.

information, visit <http://www.savebarec.org>
or email: info@savebarec.org or
call 888-BAREC-80 (888-227-3280).

You can **send** a hard copy of our **sample letter** to your **legislator** and attach a copy of the following article so they have the latest information.

For comments or questions, please email us at: info@savebarec.org or call 888-BAREC-80 (888-227-3280).

This is a project of VIVA (Valley Initiative for Values in Urban Agriculture and Horticulture) and SaveBAREC

Internet Hosting by our friends at: 



What is the issue?

Watch the videos and see/hear what the Mayor and Council members said when BAREC was on the agenda on April 26, 2005. **This information is very enlightening and proves no final decisions have been made regarding BAREC.**

--> Click here for all the information<--

To see all of the events that have taken place over the past four years, please click here to read about the timeline for the sale of the BAREC property. You will be amazed about what has taken place.

February 2004: Notes/summary of the latest Santa Clara City Council Meeting on February 10, 2004.

This 17 acre open space will be lost forever because the state intends to sell the land to a developer who will replace the open space with high density housing.

There have been no plans to relocate or recreate the facilities or preserve any of it's historic value to the community. This land has served the public since 1886.

Dumping public land to private developers is a betrayal of what our government represents. If this land is sold, many programs to improve our community will never return.

The traffic and parking problems already observed by other new housing developments such as Santana Row will be compounded with the developer's intentions for BAREC.

"In the summer of 2002 our City did a study of where to place Santa Clara's required housing for the next five years. This study showed that BAREC was not needed for this required housing."

--Patricia Mahan, Santa Clara City Mayor

"The City [Santa Clara] loses money with housing as it is costly to maintain it."

--Geoffrey Goodfellow, Santa Clara City Director of Planning, stated this on January 2003 in front of 300+ people at a community meeting.

"We can't withhold zoning arbitrarily, unless you want to subject this City to a lawsuit that will bankrupt it...and, it's just not going to happen, and I'm sorry to say, that's just the reality of it."

--Patricia Mahan, Santa Clara City Mayor, April 26, 2005 at the Santa Clara City Council Meeting
See her on video here: Watch the Video

"The State has never challenged a city on a zoning issue."

--Jeff Crone, Senior Real Estate Officer, California State Dept. of General Services.

Note: that Dan Potash is the State's consultant in charge of selling BAREC and his boss is Jeff Crone.

Santa Clara City Mayor Mahan speaks on public television about BAREC and wants to preserve it!

Environmental Concerns with David Bonasera
Where: Comcast Community Television

What Santa Clara City Mayor Mahan said:
"To have 17 acres reserved as open space

When: October 12, 2004

Guests:

- > **Santa Clara City Mayor Patricia Mahan**
- > Terry Trumbull (environmental lawyer)
- > Shiloah Ballard (Silicon Valley Manufacturing Group)
- > Kathryn Mathewson (SaveBAREC, Secret Gardens)
- > Cameron Colson (California Compliant)
- > Joe Cernac (Sierra Club Guadalupe Group in Santa Clara Valley)

This Comcast TV program has two half-hour segments. If you would like to see it in its entirety, we would be happy to share it with you and/or your neighborhood and friends. Please contact us at: info@savebarec.org or 408-292-9595.

would be magnificent. I do not know that anyone of us sitting here today would argue that fact."

[Listen to her](#)

"If the county would step forward and say we will join with the City of Santa Clara and purchase some of that [land] or if the City of San Jose wanted to contribute, it would be marvelous."

[Listen to her](#)

"There is no [BAREC] plan yet....The conceptual plan is, is just like a placeholder. The City Council has done nothing to approve a plan. **We have not even seen a plan."** [Listen to her](#)

See/hear two minutes in *her own* words.

Microsoft Windows Media: [Click here](#) (3MB - 2min)

Apple Quicktime: [Click here](#) (4MB - 2min).

Requires [Microsoft Window Media](#) or [Apple Quicktime](#)

For comments or questions, please email us at: info@savebarec.org or call 888-BAREC-80 (888-227-3280).

This is a project of VIVA (Valley Initiative for Values in Urban Agriculture and Horticulture) and SaveBAREC

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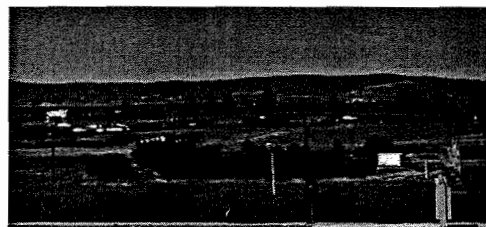
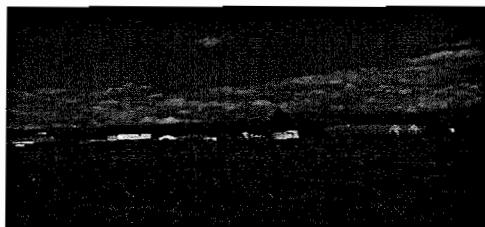


What is **BAREC**? What is the Issue?

Why save **BAREC**?

How can I help?

Why Save BAREC?



15 Reasons Why We Should Save BAREC!!!

This area of Santa Clara County needs a park and BAREC is right in the middle of the district! Have a look at the [county map](#).

Here is another example of an organic farm in the middle of dense urban living: [Fairview Gardens](#).

Download our general [two page flyer](#) to quickly learn about the land and its importance and to share with others in the community.

History:

"This site should receive national historical status."

--**Lori Garcia**, Santa Clara County Historical Heritage Commission and author, *Santa Clara From Mission to Municipality*

Research and Education:

"If this parcel of land has the agriculture zoning removed, it would not only be a tragic loss to the community's heritage and its future, but also close the door to any opportunities we may have in the future to pursue our research and education work in the Santa Clara Valley."
--**Dr. Carol Shennan**, Director of UC Santa Cruz's Center for Agroecology and Sustainable Food Systems

[Research](#) done on BAREC.

Please review our [presentation](#) to Santa Clara County Supervisor Jim Beall in September 2005. Also look at our ideas on [how this land](#)

A few examples of what BAREC used to do:

- [Master Gardeners - Blueberry Picking](#) - 1997
- [Hosts Turf and Landscape Field Day](#) - 1999
- [MetroActive article on the bad "deal"](#) - 2000
- [Master Gardener Open House](#) - 2001
- [Rainfed Oat test](#) - 2002
- [Rainfed Common Wheat test](#) - 2002

Future Programs:

Examples of Needed Programs

[Download](#)[6MB] Sharon's McCray's BAREC History PowerPoint, updated February 2005.

[Compilation](#) of documents supporting UC Center Land as fulfilling requirements to be a Historical Landmark by Sharon McCray.

Read a letter sent to Santa Clara Mayor Mahan in August 2003 from Master Gardener Sharon McCray, showing how BAREC can be saved, supported, and sustained. [Click here to download](#)

Open Space:

"Our recent poll shows that 8 out of 10 people in Santa Clara Valley are concerned about the lack of open space in the Santa Clara Valley."

--**Bob Gerard**, Attorney and Retired Stanford Professor, February 2004

"Land is a non-renewable resource. It would seem shortsighted to make a dollar at the expense of what has been a resource for the greater community."

--**Vicki Moore**, Greenbelt Alliance

can be used based on what UC Santa Cruz has done with their financially stable, self sustaining, and income generating Center for Agroecology and Sustainable Food Systems (CASFS) program, including their children's Life Labs area.

We also presented to the Santa Clara County Board of Education. See the presentation here.

SUPPORTERS and QUOTES:

List of the many supporters.

Quotes from well known individuals

See what type of bird wildlife exists at BAREC as seen by bird experts.

"Open space raises property values."

--**Daniel Press**, author of *Saving Open Space*, Professor Environmental Studies at UC Santa Cruz

Read the Silicon Valley Business Journal article on how agricultural open space helps a community as a whole.

--**Kathryn Mathewson**, January 2003

Chicago did a Millennium Park Economic Impact Study that shows the value of having open space.



Food Safety:

"The Future of Food,"
produced and written by
Deborah Koons Garcia

[Click for more info...](#)

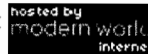
Location of BAREC:

Santa Clara County map; Santa Clara City map; Santa Clara Street map

For comments or questions, please email us at: info@savebarec.org or call 888-BAREC-80 (888-227-3280).

This is a project of VIVA (Valley Initiative for Values in Urban Agriculture and Horticulture) and SaveBAREC

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*"All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require."
Constitution of the State of California: Article 1, Section 3*

The **BAREC Recirculated Draft EIR** is released. The documents are online ([click here](#)). Copies are available at the library. Public comments are due by September 8th at 5:00pm.

BARECticker

Public Comment Ends In:
No event scheduled.

The **BAREC Recirculated Draft EIR** is released. Public comment period is open until Sept 8. The documents are online ([click here](#)). Copies are available at the library.

Our Mission: To keep this 17 acre agricultural piece of public land public. Additionally, we believe an educational, urban farm would best benefit the public and provide a financially sustainable way to preserve the land in open space forever. Please email us if you want to get on our mailing list: mailing-list@savebarec.org.

Summary Information - Keep Public Land Public:

Video

- Anna Werner from CBS 5 Investigates does a story about the toxins on BAREC on June 19, 2006 at 11pm.

[Click here.](#)

- SaveBAREC was on the ABC 7 News program at 6:00pm on November 9, 2005. Have a look at the video [2MB] and the pictures.

Print

- Read the October 19, 2005 Silicon Valley Metro cover story Secret Gardens describing the political issues and views on BAREC.

- Read the October 20, 2005 Rose Garden Resident cover story Fate of the former UC agricultural station rests in hands of Santa Clara City Council describing the many views on the status of BAREC. You'll see how many issues there are and why this land is so important.

- Read the San José Mercury News article with some very powerful quotes showing support for alternative ideas entitled: Last Ditch Effort to Turn Back the Clock.

- The Fall/Winter 2005 issue [700KB] of Preservation Action Council of San Jose (PAC*SJ) news letter features BAREC as well as a follow-up article in the current Spring 2006 issue [500KB].

Please view a concept we have for how this land can be used (i.e., organic, urban agriculture) based on what UC Santa Cruz has done with their financially stable, self sustaining, and income generating Center for Agroecology and Sustainable Food Systems (CASFS) program, including their children's Life Labs area.

What we are suggesting is already proven to be successful: The Center of Urban Agriculture: an organic farm in the middle of dense urban living: Fairview Gardens.

See what the State wants to do with the land [here](#).

Current Affairs: (click here for more info and news articles)

- The public comment period for the Draft EIR and Draft RAW has closed. The next public event (besides regular City Council meetings has been delayed until August/September). Please [click here](#). While the public comment period is officially closed, you can still send in letters and comments to the City of Santa Clara. See the **sample letters** you can send.

- For **sample letters** you can send in to the politicians and agencies on EIR and RAW, please [click here](#).

Propaganda [mailing](#) sent to Santa Clara citizens in hopes to gather support for the housing project. [Click here](#) [2MB] to see.

Go to our [web page](#) that puts most of the relevant past City Council meetings on one page. [Click here](#) to see it.

Learn more about the [South Central Farm in LA](#) (also known as: The Farm), the largest urban farm in the country. It is 14 acres large! Just see what community support can do. BAREC's 17 acres can do even more!

Aug 15-Sept 2, 2006: Migrating Canadian Geese use BAREC as a landing pad. [See the video here](#). 100s land every day.

August 20, 2006: The SJ Mercury News awards SaveBAREC.org the [Grand Prize for NIMBY](#). [Click here](#) to see it. [Scott Herhold](#) wrote this and we encourage you to [write him](#). He really needs a reality check.

June 19, 2006: Anna Werner from CBS 5 Investigates does a [story](#) about the toxins on BAREC. [Click here](#).

May 13, 2006: SJ Mercury, *The Valley* section, Julie Patel's article entitled: [Last Ditch Effort to Turn Back the Clock](#).

May 9, 2006: City of Santa Clara has moved the date of the next public meeting to **August/September 2006**.

May 3, 2006: Silicon Valley Metro article on SaveBAREC support, activities, and updates. [Click here](#) for story.

April 12, 2006: Santa Clara Weekly does a [cover story](#) on BAREC. [Click here](#) [1MB] for story.

April 6, 2006: Historical and Landmarks Commission **votes down the motion** to approve the History and Cultural Resources section of the Draft EIR in a 5-2 vote! Great job! See the update in the SJ Mercury, [Bay Area News in Brief](#).

April 2, 2006, 12:00-5:00pm - Successful Rally at the BAREC site. [See pictures here](#).

See the timeline [below](#).

Stop by the Santa Clara Farmers' Market [every Saturday](#) between 9:00am-1:00pm. [See our table](#)

Support Urban Agriculture

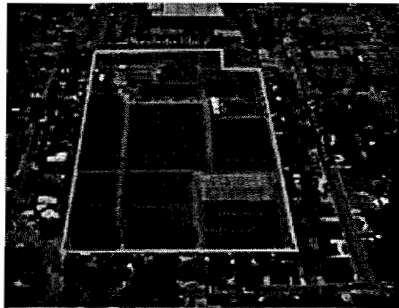
The State of California is selling this 17 acres dedicated to public service since the 1800s.

The land is considered the State's leader in rural/urban issues: health, the environment, sustainability, recycling, and pollution prevention.

The land and its buildings are in line for being listed in the National Historic Registry

Did you know...

- > 1884 the Normal School operated on the site
- > 1886 to 1889 it housed Osborne Hall, a home for physically and mentally disabled children
- > 1921 to 1960 it was a home for families of Civil War Veterans
- > 1928 to 2003 it was a University of California Agricultural/Horticulture Research Center



See Map for exact location, in the city of Santa Clara on North Winchester Blvd. across from Valley Fair, bounded on two sides with San José.

This web site is dedicated to support the preservation of this unique land and to provide solutions for sustainable urban agriculture. If you want to help, please contact us.



In 2003, the State decided to sell the property for housing development. If sold to developers, much of the land will be turned into medium-density housing (up to 11-27+ units per acre). This is in stark contrast to the 5-7 units per acre in the surrounding neighborhood. Dumping public land to private developers is a betrayal of what our government represents. If this land is sold, many programs to improve our community will never return.

The San José Parks and Recreation Commission is completely in favor of keeping the entire space an open-space. See their letter.

The land is considered the State's leader in rural and urban issues. This includes health and the environment, sustaining and maintaining land, recycling, and pollution prevention. This land can provide leadership in sustainable living.



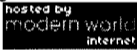
Learn more about BAREC, including information regarding the issues involved with saving BAREC, and how you can help. Thank you for your time and support!

Draft Environmental Impact Report (EIR) and Draft Removal Action Workplan (RAW) Schedule

Please [click here](#) to see more information.

March 9	March 22	April 6	April 13	April 18	April 21	April 24	April 24	June 28- (tentative)- August/ September/ October??	???
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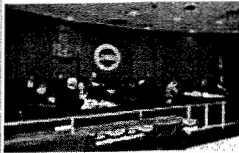
Draft EIR released (public comment period begins)	Draft RAW released (public comment period begins)	Historical and Landmarks Commission 7:00pm -Staff Conference Room, City Hall	Public comment of the Draft RAW 7:00-9:00pm -Westwood Elementary School -435 Saratoga Avenue, Santa Clara	Parks and Recreation Commission 7:00pm -City Hall Council Chambers	Public comment period on Draft RAW closes at 5:00pm	Senior Advisory Commission 10:00am -Community Recreation Center on Kiely Blvd. (before Kaiser Hospital)	Public comment period on Draft EIR closes at 5:00pm	Planning Commission Public Hearing, City Council Chambers. 7:00pm - Public meeting on Draft EIR and related development applications	City Council Public Hearing and <i>Potential Action</i> , City Council Chambers. 7:00pm - Public meeting to consider Draft EIR and related development applications
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For comments or questions, please email us at: info@savebarec.org or call 888-BAREC-80 (888-227-3280).
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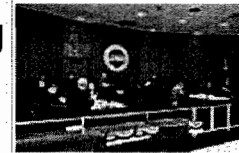


What is **BAREC**? What is the Issue? Why save **BAREC**? How can I help?

"The greatest making of the future will be from a small piece of land." Abraham Lincoln



Santa Clara City Council Meeting March 7, 2006 BAREC was on the Agenda



BAREC was placed on the agenda by request of Cameron Colson. The meeting was a long one and BAREC did not begin until after 10:00pm. While some people left, many stayed and shared their opinions. Unfortunately, the citizens were only given two (2) minutes to speak (normally, people are given three minutes). This was not a banner meeting and some comments were not presented as well as they could or should have been, but such is a public meeting.

The entire 27 minute section of the meeting is available via video below. Additionally, we have broken-up the video into multiple segments, allowing you to easily see specific testimony from the City Staff and citizens, making it easier to hear the information you are interested in. Simply click on the person and you will see and hear the video stream to you computer. Hand-outs given at the meeting are linked below each person.

City Introduction:

> [Mayor/City Manager Introduction](#) (4 minutes - 2MB)

Citizen comments:

- > [Cameron Colson](#) (3 minutes - 2MB)
- [Colson's prepared notes](#)
- > [Kirk Vartan](#) (3.5 minutes - 2MB)
- [Vartan's prepared notes, single story buildings, two story buildings, slides showing similar SummerHill construction compared to neighborhood \(presentation\)](#)
- > [Linda Perrine](#) (2 minutes - 1MB)
- > [Joe Cernac](#), Sierra Club (1 minute - 600KB)
- > [Robert Southard](#) (1 minute - 600KB)
- > [Kathryn Mathewson](#) (2 minutes - 1MB)
- [Mathewson's letter](#)
- > [Sharon McCray](#) (1.5 minutes - 900KB)
- > [Jackie Moore](#) (2 minutes - 1MB)
- [Moore's prepared notes](#)
- > [John Beall](#), AG inspector (2 minutes - 1MB)
- > [Angela D'Orfani](#) on cancer in area (2 minutes - 1MB)
- > [Margo Wixsom](#) (2 minutes - 1MB)

Entire video of the Council meeting:
[Complete video](#) (28 minutes - 14MB)

Videos require: [Microsoft Window Media](#)

Important Information and Dates

[City of Santa Clara's BAREC Draft Environmental Impact Report \(EIR\) and Draft Removal Action Workplan \(RAW\) web page](#)

[Draft EIR letter](#) sent out to citizens within 1,000 feet of the development project on March 9, 2006.

March 9 - Draft EIR released (public comment period begins)

March 22 - Draft RAW released (public comment period begins)

April 6 - Historical and Landmarks Commission
 ... **7:00pm**

... Staff Conference Room, City Hall

April 13 - Public comment of the Draft Removal Action Plan (RAW)

... **7:00-9:00pm**

... Westwood Elementary School

... 435 Saratoga Avenue, Santa Clara

April 18 - Parks and Recreation Commission

... **7:00pm**

... City Hall Council Chambers

April 21 - Public comment period on Draft RAW closes

April 24 - Senior Advisory Commission

... **10:00am**

... Community Recreation Center on Keily Blvd.
 (before Kaiser Hospital)

April 24 - Public comment period on Draft EIR closes

June 28 (tentative) - Planning Commission Public Hearing, City Council Chambers.

... **7:00pm**

... Public meeting on Draft EIR and related development applications

July 18 (tentative) - City Council Public Hearing and *Potential Action*, City Council Chambers.

... **7:00pm**

... Public meeting to consider Draft EIR and related development applications

For comments or questions, please email us at: info@savebarec.org or call 888-BAREC-80 (888-227-3280). This is a project of VIVA (Valley Initiative for Values in Urban Agriculture and Horticulture) and SaveBAREC

LETTER R23

Kirk Vartan
September 8, 2006

R23-1 The commenter submits several web pages for the record. The web pages submitted present information on the project collected by community groups. No specific comments on the DEIR analysis were provided in these web pages; therefore, no response is necessary.

From: Amanda Olekszulín
To: kristen.stoner@edaw.com
Date: 9/11/2006 1:27:48 PM
Subject: Re: BAREC RDEIR/Santa Clara Gardens comments - Migratory Canadian Geese

>>> "Kirk Vartan" <kirk@savebarec.org> 09/08/06 4:52 PM >>>
Additional videos I would like you to include in the RDEIR
comments.

Thank you,

Kirk Vartan
San Jose, CA

kirk@savebarec.org
www.savebarec.org
888-BAREC-80

R24-1

LETTER R24

Kirk Vartan
September 8, 2006

R24-1 The commenter submits three video images of Canadian geese on the BAREC property and states in the video that they appear on BAREC annually for about two to three weeks in mid-August. The project's impacts to biological resources were evaluated consistent with the requirements of CEQA in Section 4.5, "Biological Resources," of the DEIR. As described therein, the Project Site does provide habitat for many common species (Impact 4.5-1), including foraging habitat for Canadian geese. While habitat for urban-adapted species, including Canadian geese, would be reduced in size or removed with implementation of the project, the DEIR determined that the project's impacts to these species would be less-than-significant, because the site does not support native plant communities, which makes its natural wildlife habitat value low. Canadian geese forage and rest on lawns, grassy and weedy lots, and turf in urban areas, including during migration. They can visit sports fields, play fields, parks, open lots, lawns, and other places where they may graze on non-native grasses. Substantial additional non-native habitat is available for Canadian geese and other urban-adapted species in the local and regional area, such that reducing or removing the non-native habitat on the Project Site would not result in a substantial reduction in the available habitat. Reduction of grassy areas or removal of existing open, non-native plant communities on the site would, therefore, not cause a substantial effect on the geese populations using the urban area.

From: Amanda Olekszulín
To: kristen.stoner@edaw.com
Date: 9/11/2006 1:28:17 PM
Subject: Re: BAREC RDEIR/Santa Clara Gardens comments - Migratory Canadian Geese

Please note that effective immediately, my e-mail address has changed to:
amanda.olekszulín@edaw.com
Please update your address books accordingly.

Amanda Olekszulín
Senior Project Manager
EDAW, Inc.
2022 J Street
Sacramento, CA 95814
(916) 414-5800
916-414-5850 (fax)

>>> "Kirk Vartan" <kirk@savebarec.org> 09/08/06 5:13 PM >>>
Additional videos I would like you to include in the RDEIR
comments.

Thank you,

Kirk Vartan
San Jose, CA

kirk@savebarec.org
www.savebarec.org
888-BAREC-80

R25-1

LETTER R25

Kirk Vartan
September 8, 2006

R25-1 The commenter submits three videos of Canadian geese using the Project Site. Please refer to response to comment R24-1. No further response is necessary, because no questions or new information regarding the environmental analysis were raised.

R26

From: "Kirk Vartan" <kirk@savebarec.org>
To: "Gloria Sciara" <GSciara@ci.santa-clara.ca.us>
Date: 9/8/2006 4:33:49 PM
Subject: BAREC RDEIR/Santa Clara Gardens comments - Migratory Canadian Geese

Here are some videos I would like you to include in the RDEIR comments. (3 Videos)

Thank you,

Kirk Vartan
San Jose, CA

kirk@savebarec.org
www.savebarec.org
888-BAREC-80

CC: <info@savebarec.org>

R26-1

LETTER R26

Kirk Vartan
September 8, 2006

R26-1 The commenter submits three videos of Canadian geese flying. Please refer to response to comment R24-1. No further response is necessary, because no questions or new information regarding the environmental analysis were raised.

Kristen Stoner - FW: BAREC/Santa Clara Gardens RDEIR comments - part 1

From: "Kirk Vartan" <kirk@savebarec.org>
To: "Gloria Sciara" <GSciara@ci.santa-clara.ca.us>
Date: 9/8/2006 10:33 PM
Subject: FW: BAREC/Santa Clara Gardens RDEIR comments - part 1

This message bounced as it said it was too large. I am sending it in three smaller forms.

Thanks,

-Kirk

From: Kirk Vartan [mailto:kirk@savebarec.org]
Sent: Friday, September 08, 2006 4:52 PM
To: 'Gloria Sciara'
Cc: 'info@savebarec.org'
Subject: BAREC/Santa Clara Gardens RDEIR comments
Importance: High

The following are my comments.

=====

Why is the north-west corner of Winchester-Stevens Creek not being looked at for a turning lane? It is the only part of the intersection not built out, yet the EIR says nothing else can be done.

R27-1

=====

The Valley Fair expansion is not really shown in detail. Only a description of the application is listed. How will traffic impact this project?

R27-2

=====

The Santana Row expansion is not shown. How will traffic impact this project?

R27-3

=====

Rather than including all the web pages from SaveBAREC.org, please refer to it. There is a lot of information listed there. www.savebarec.org.

R27-4

=====

Where is all of the water coming from to supply the senior and private development properties?

R27-5

=====

Where are all the ground water samples?

R27-6

=====

The following images and videos were provided to Dominic Caserta regarding Cameron Colson's patented technology that uses water for weed abatement. It is also something he has offered in kind to help clean the property. I have more of these, but they take up a lot of space.

IMG_0642.jpg

IMG_0644.jpg

IMG_0645.jpg

IMG_0648.jpg

IMG_0649.jpg

weeds1.jpg

weeds2.jpg

weeds3.jpg

R27-7

=====

Why have you not explored Cameron Colson's HMO device for weed abatement?

R27-8

=====

Please view all videos of the city council meetings that refer to BAREC and urban farming. I have included web pages that have all the information on it. You can view all videos from the SaveBAREC website: www.savebarec.org if you do not have copies.

R27-9

=====

Why does the EIR still say that it is not economically feasible to farm this piece of land. they say it is too small and in a city as the reasons. There are 2-3 paragraphs talking about it. Where is all the research. We have shown documented cases (Fairview Gardens in Goleta, CA and UC Santa Cruz) where urban farming is proven to be successful.

R27-10

=====

What are the environmentally superior alternatives for using this land?

R27-11

=====

<http://www.happyquailfarms.com/Family.htm>

R27-12

=====

I don't know if you saw this Sunday Chronicle article about Kaiser trying to buy local produce for patients (in addition to the Farmers Markets they set up at Hospitals). You may have met Paul Tarantino of Lee Ray Tarantino from the South City Produce Market. The article on the need for local produce illustrates the need for a south bay site to train young to semi retired adults to learn small farm techniques.

R27-13

[http://www.sfgate.com/cgi-bin/article.cgi?](http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2006/08/06/MNG43KC7751.DTL&hw=Kaiser+local+produce&sn=001&sc=1000)

[f=/c/a/2006/08/06/MNG43KC7751.DTL&hw=Kaiser+local+produce&sn=001&sc=1000](http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2006/08/06/MNG43KC7751.DTL&hw=Kaiser+local+produce&sn=001&sc=1000)

=====

It was when they said "if you want to never buy vegetables again and grow everything yourself, this place shows you how to grow everything you would need in your backyard" that they got my attention.

R27-14

Here's what their website says.:

http://cesacramento.ucdavis.edu/Custom_Program814/

"The Fair Oaks Horticulture Center is a cooperative project between the Sacramento County UC Cooperative Extension, the Fair Oaks Recreation and Park District, and now the Fair Oaks Water District. UC Master Gardeners discuss and demonstrate the topics to be covered during each program.

The center is located in Fair Oaks Park. The park is located on Fair Oaks Blvd. (east of Sunrise Blvd.), just south of Madison Ave. "

R27-14
Cont'd

=====

"Transportation and even simple things like parking issues never seem to be addressed in the rush to higher density. For example, in the new "transportation friendly" KB Condominiums on Meridan between Auzerias and Saddle Rack, everybody has at least two cars, very few use the light rail, and thus there is inadequate parking because planners thought more would use the light rail and there are not even two spaces for every unit. Where does the light rail go? Not necessarily where the people need to go and so they get cars. Existing parking spaces are so dear in these condominiums that they are selling for \$10,000 a piece. Surrounding streets are a wall of cars. How is this type of high density good urban planning? Livable high density cities are much more highly planned, and just building high density transportation corridor residential ghettos with no human services like shopping, employment, entertainment, and restaurants along these corridors accomplishes nothing because those residents then still need a car to get to those essentials. I find myself thinking that this whole high density push is a way to make developers the money they need for their private island retirements."

R27-15

=====

What is the speed limit going to be on Winchester between Forest and Stevens Creek? Be specific.

R27-16

=====

How will reduced speed limit affect traffic at other intersections? Please include north and south in detail as these are the most busy street. Do not include just the stated impacted intersections. Also, how long will each of the light signals be for each direction and at each time of the day?

R27-17

=====

I am also sending you a number of photos and videos of migratory Canadian Geese. These animals have been using this property as a landing spot for over 26 years that we know of. I will send them to you under different cover. How is the EIR addressing this? What will happen to these animals should this land be turned into housing? What studies have you done? What

R27-18

associations have you consulted about these migratory birds? Please be specific.

R27-18
Cont'd

kirk@savebarec.org
www.savebarec.org
888-BAREC-80

February 16, 2005

Honorable Mayor and City Council
City of San Jose
801 North First Street, Room 600
San Jose, CA 95110

Dear Honorable Mayor and City Council:

Subject: Bay Area Research and Extension Center (BAREC) Property

The City's Parks and Recreation Commission is recommending that the City Council support, to the extent possible, efforts to preserve the 17-acre Bay Area Research and Extension Center (BAREC) property on the basis of the historical significance and potential open space and recreational value of the property. Parks and open space are vital and bring immense environmental benefits. This site is located in the City of Santa Clara, contiguous to the San Jose border on North Winchester Boulevard between Dorich Street and Forest Avenue as shown on the attachment.

The Regents of the University of California are in the process of selling this publicly-owned land for redevelopment as single-family and senior housing according to the reuse planning concept for the property adopted by the Santa Clara City Council in February 2003. This plan includes a one-acre neighborhood park that will serve residents of both cities. The proposed development of the plan is currently on hold pending resolution of the property surplus process with the State.

The site was originally used as a center for mentally disturbed children from 1886 to 1920. Part of the site was then used as a home for Civil War veteran's families from 1921 to 1963; and from 1928 to 2003 the remaining land was used as an urban agriculture/horticulture research/education center under the University of California until its closure in 2003.

Members of the community have appeared before the Parks and Recreation Commission, requesting that the BAREC be preserved as either agricultural land or parkland. They have presented information that indicates there is broad community support from individuals and organizations within the community.

The City's Parks and Recreation Commission agrees with the community that the site has significant value as a historical, horticultural and recreational resource, which could be of benefit to both Santa Clara and San Jose residents. Therefore, the Commission is recommending the

Honorable Mayor and City Council
February 16, 2005
BAREC Property
Page 2 of 2

San Jose City Council, in conjunction with the Santa Clara City Council, consider opportunities to work together to preserve some or all of the site for the use of future generations of both communities.

Your consideration of this matter would be greatly appreciated.

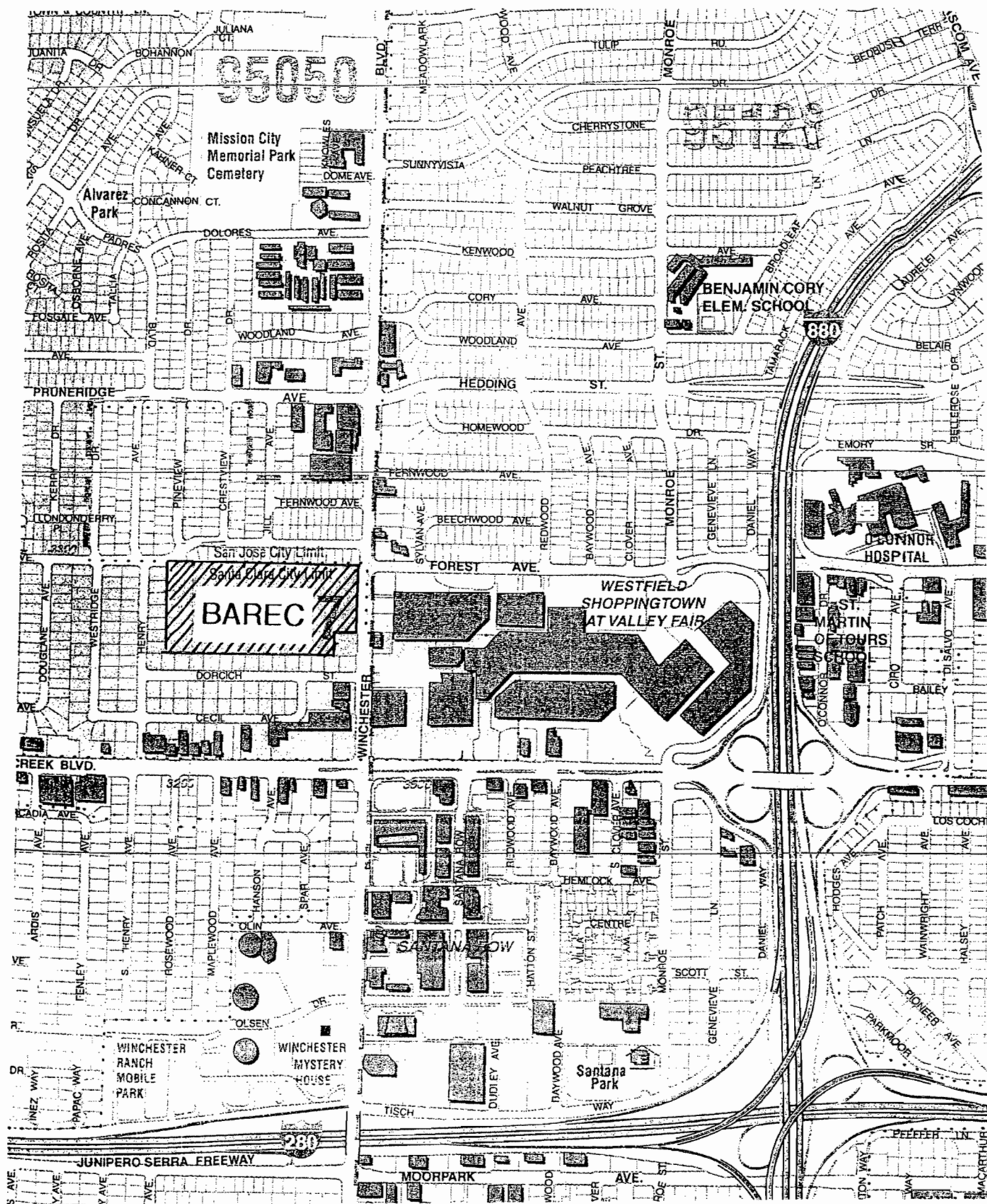
Yours truly,

A handwritten signature in cursive script that reads "Helen Chapman" with a small "cs" monogram at the end.

Helen Chapman, Chair
Parks and Recreation Commission

Attachment -- Map of Area

c: Sara Hensley, PRNS
Albert Balagso, PRNS
Scott Reese, PRNS



CALIFORNIA CODES, CIVIL CODE SECTION 815

"815. The Legislature finds and declares that the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California. The Legislature further finds and declares it to be the public policy and in the public interest of this state to encourage the voluntary conveyance of conservation easements to qualified nonprofit organizations."

This quote was taken directly from the Official California Legislative Information web page site, a part of the State of California's Legislative Counsel. It states:

"Welcome to the official site for California legislative information. This WWW site is maintained by the Legislative Counsel of California, pursuant to California law."

<http://www.leginfo.ca.gov/>

You can find the above section by clicking on the "California Law" button at the bottom, checking the "Civil Code" option, type in "815" in the search box, and click search. A result showing "CIVIL CODE SECTION 815-816 : 5679 bytes." will appear. Click on it and you will see the entire section.

**** BAREC, the former UC Ag Center, is NOT SOLD ****

***** IT IS NOT A DONE DEAL *****

**** YOU NEED TO GET INVOLVED...CALL US NOW ****

The 17 acre agriculturally zoned piece of land on Winchester Blvd. across from the Valley Fair Shopping Mall still has all the original agricultural infrastructure on the property. **The land is owned by the State of California.** That means, "We The People" own this land. The government needs to listen to the people, not the other way around. **The City of Santa Clara controls the zoning.**

This land can be the Center of Excellence for how sustainable living is being done in the United States. It can show how urban agriculture can make a community thrive. Add organic soil cleaning and solar technology to the site and it will not only power itself, it will power the community. The local agricultural land can provide food for the community and restaurants. California can show leadership in agriculture and urban planning, not just hi-tech.

This land has served the community for generations and can continue to do so without a tax burden to the citizens. It can be a place for the public: children, adults, and professionals can learn about agriculture; a botanical garden; a visitor's center; history; new agriculture technology; solar power; and food!!!

This is some of the best soil and climate in the country; let's not sell out our future for short term fund raising. This land **IS** our future.

Please review the information on the back of this page.



www.savebarec.org

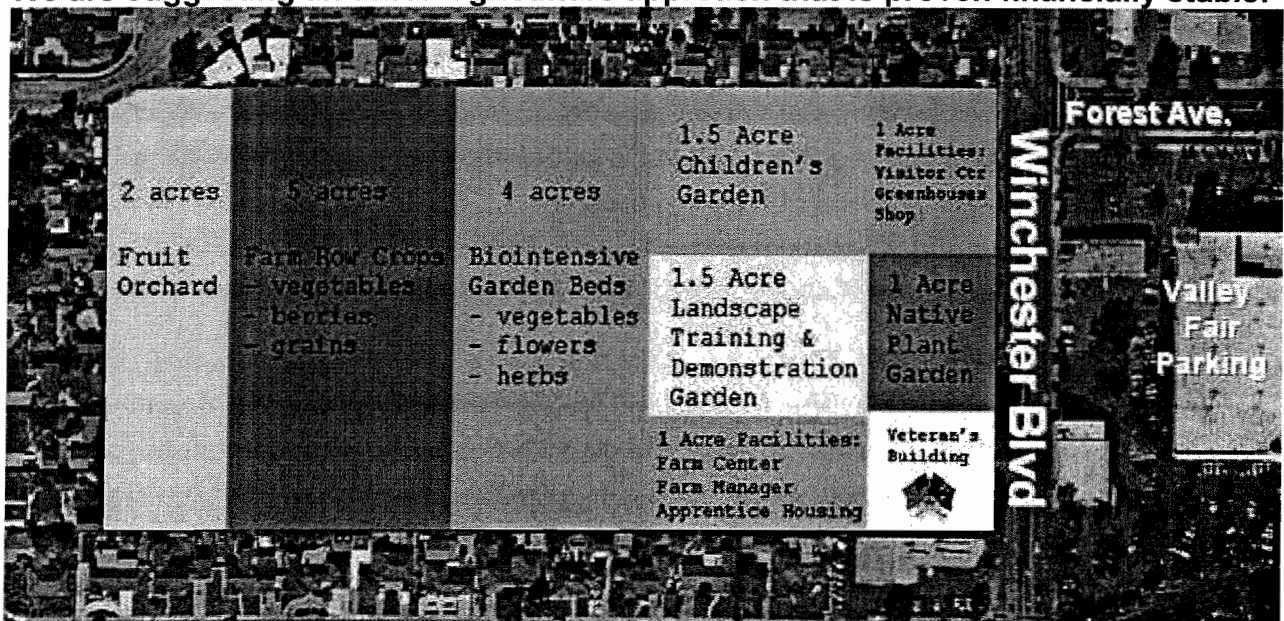
Phone: 888-BAREC-80

Friends of BAREC and SaveBAREC.org are made up of volunteers from the community, just like you. We are here to educate the people of the area and the state about what is happening with this valuable public agricultural asset. We are so fortunate that the UC Extension System was able to preserve the land for as long as it did, preventing it from being developed in the early part of 2000/2001. It is now State land...it is our land. **We** have the right to decide how State assets and resources are utilized.

The State wants to sell the land to developers to make instant money (housing):



We are suggesting an urban agriculture approach that is proven financially stable:



Call us at **888-BAREC-80**. We are also at the Santana Row Farmer's Market every Sunday, 10am-3pm. All info is on our website.

www.savebarec.org

Phone: 888-BAREC-80



GUADALUPE - COYOTE RESOURCE CONSERVATION DISTRICT

888 NORTH FIRST STREET RM. 204, SAN JOSE, CA 95112-6314
OFFICE (408) 268-5888 FAX (408) 993-8728 email: gcrd@pacbell.net

July 25, 2005

Mr. J. Frank Davidson
State of California, Department of General Services, Real Estate Services
707 West 3rd Street, Suite 6-130
West Sacramento, CA 95605

**RE: Guadalupe-Coyote Resource Conservation District's request to transfer
BAREC's ownership from the State to a non-profit and desire to annex BAREC**

Dear Mr. Davidson:

This week the Guadalupe-Coyote Resource Conservation District Board (GCRCD) met to discuss the Bay Area Research Extension Center (BAREC) on Winchester Blvd. in Santa Clara. The Board unanimously voted to:

1. Support keeping BAREC agriculturally zoned and in open space;
2. Annex BAREC into GCRCD;
3. Work with the State of California to determine the ways BAREC's ownership can be transferred to a non-profit so it will forever remain as open space and for the public good. We understand there has already been an offer by VIVA to purchase BAREC and this should be considered.
4. Create programs and alliances on BAREC that would enhance GCRCD's Mission Statement. A copy of our Mission Statement is attached.

The above is extremely important to our agency as it helps us to fulfill our state mandated Mission Statement. There is no other similar piece of land which has such a rich agricultural history in Santa Clara County and which could help us more.

Since the State is legally required to first offer BAREC to State governments and districts and did not and since GCRCD is a State/Regional Agency, the GCRCD's opinion is that we legally have the right to request the Department of General Services to halt your current BAREC plans and offer the site to us. Since the State did not offer BAREC to the GCRCD, we are requesting that you do so now.

We look forward to working with you regarding this very important historical land.

Sincerely,

Lawrence Johmann, President
Guadalupe-Coyote Resource Conservation District



State of California • Arnold Schwarzenegger, Governor
State and Consumer Services Agency
DEPARTMENT OF GENERAL SERVICES
Real Estate Services Division Asset Planning and Enhancement Branch

August 11, 2005

Mr. Lawrence Johmann, President
Guadalupe-Coyote Resource Conservation District
888 North First Street, Room 204
San Jose, CA 95112-6314

Dear Mr. Johmann:

I am in receipt of your request letter dated July 25, 2005, regarding approximately seventeen (17) acres of State surplus property (BAREC) located at 90 North Winchester Boulevard, in the City of Santa Clara.

The Department of General Services (DGS) previously solicited interest from governmental agencies on December 17, 2002. The City of Santa Clara then expressed an interest in up to six acres of the property for a senior housing project. The DGS and the City have subsequently entered into a Purchase Agreement for a portion of the property.

In addition, in May of 2003, the DGS advertised and solicited offers from the public for approximately ten acres and a one acre public park on a portion of the property. Pursuant to that solicitation, the DGS selected SummerHill Homes and has entered into a Purchase Agreement with that entity.

As a result of these transactions, we are unable to entertain your request. Thank you for your interest in this property.

Sincerely,

J. FRANK DAVIDSON, Assistant Chief
Asset Planning and Enhancement Branch

JFD:JC.md

cc: Ron Small, Staff Counsel, Office of Legal Services, Department of General Services
Jeff Crone, Senior Real Estate Officer, Asset Planning and Enhancement Branch, Real Estate Services Division, Department of General Services

The Ziggurat • 707 Third Street, 6th Floor • West Sacramento, California 95798-9052 • (916) 376-1829

















LETTER R27

Kirk Vartan
August 8, 2006

- R27-1** The commenter asks why the northwest corner of Winchester Boulevard/Stevens Creek Boulevard is not being considered for a turning lane. It appears the commenter is requesting that a turning lane be installed at this intersection. Because this intersection is fully developed, there is no available right-of-way to accommodate an additional turning lane at this intersection.
- R27-2** The commenter states that the Valley Fair expansion is not shown in detail and that only a description of the application is listed. The commenter asks how traffic from this project will affect the project. Please refer to Master Responses 1 and 3. A revised transportation analysis was prepared and included the proposed Valley Fair Mall expansion. This revised transportation analysis was circulated as part of the Recirculated DEIR that was released in July 2006. Please refer to Section 5.2, "Cumulative Impact Analysis," of the Recirculated DEIR for a discussion of the cumulative traffic impacts of the project. As described in Master Response 1, the results of the revised analysis revealed that the project, in combination with the proposed mall and other cumulative development, would cause one new roadway intersection (i.e., Stevens Creek Boulevard and Winchester Boulevard) to exceed identified significance thresholds. Further, feasible mitigation is not available that would ensure the impact could be reduced to a less-than-significant level (as explained in the revised traffic analysis and in Master Response 2, below). As a result, the project would contribute to a new significant and unavoidable cumulative impact. Based on the identification of the nonmitigable, potential cumulative traffic impact as a result of the proposed Valley Fair expansion, the City recirculated that portion of the DEIR addressing Transportation and Circulation. Please refer to Section 4.10, "Transportation and Circulation," of the Recirculated DEIR for specific details of the new traffic analysis.
- R27-3** The commenter states the Santana Row expansion is not shown and states asks how traffic from this expansion will affect the project. Please refer to response to comment 114-3.
- R27-4** The commenter asks City to refer to information located at the SaveBAREC.org web site. The information has been included in this FEIR.
- R27-5** The commenter asks where the water will come from to supply the development. As described in Section 4.9, "Public Services and Utilities," water would continue to be provided by the Santa Clara Valley Water District (SCVWD) and the City of Santa Clara Water and Sewer Utilities (CSC).

- R27-6** The commenter asks about groundwater samples. Groundwater sampling has been determined to be unnecessary for adequate investigation of hazardous materials contamination on the Project Site. With regard for the need to conduct groundwater sampling, please refer to response to comment 8-10.
- R27-7** The commenter provides video images relating to a patented technology that uses water for weed abatement. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- R27-8** The commenter asks why Cameron Colson’s HMO weed control device was not explored. This comment is not related to the analysis provided in the EIR; therefore, no response can be provided.
- R27-9** The commenter requests that the City view all of the City Council meetings that address the BAREC site and urban farming, located at www.savebarec.org. This comment is not related to the analysis provided in the EIR; therefore, no response can be provided.
- R27-10** The commenter asks why the EIR states that farming of the Project Site is not economically feasible. Please refer to response to comment 75-3, where this issue is addressed.
- R27-11** The commenter asks what the environmentally superior alternatives are for using this land. Please refer to Chapter 7, “Alternatives to the Proposed Project,” of the DEIR for a discussion of alternatives to the project and Section 7.8, “Environmentally Superior Alternative,” for a discussion of the environmentally superior alternative. As described therein, the No Project Alternative – Continuation of Existing Uses was identified as the environmentally superior alternative to the project and all other alternatives.
- R27-12** The commenter provides a web site for Happy Quail Farms. This comment is not related to the analysis provided in the EIR; therefore, no further response can be provided.
- R27-13** The commenter refers to a Sunday Chronicle article about Kaiser trying to buying local produce for patients. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- R27-14** The commenter provides an unsourced quote. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- R27-15** The commenter provides an unsourced quote regarding the general problems of inadequate public transportation and high density development. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- R27-16** The commenter asks what the proposed speed limit on Winchester Boulevard between Forest Avenue and Stevens Creek Boulevard would be. The existing speed limit (i.e., 35 mph) on Winchester Boulevard would not change as a result of the Proposed Project. This comment does not address the analysis presented in the DEIR; therefore, no further response can be provided.

- R27-17** The commenter asks how a reduced speed limit will affect traffic at other intersections located north and south of the project and what proposed light signal timing will be during different times of the day. The project would not change the posted speed limits on local roadways or signal timing.
- R27-18** The commenter states that he has submitted a number of photos and videos of migratory geese that have used the property for 26 years. None of the photos or videos address the analysis presented in the DEIR; therefore, no response can be provided.
-

Attachments Several attachments were provided with this letter including letters from the City of San Jose and the Guadalupe – Coyote Resource Conservation District (GCRCD). The GCRCD letter is presented as comment letter R1. Please refer to that comment letter for response. The City of San Jose letter is a letter from the Department of Parks, Recreation, and Neighborhood Services department to the City of San Jose Mayor. The City is recommending that the site, or a portion thereof, be preserved for future generations. This comment does not address the analysis presented in the DEIR; therefore, no further response can be provided.

From: Amanda Olekszulín
To: kristen.stoner@edaw.com
Date: 9/11/2006 1:29:00 PM
Subject: Re: BAREC/Santa Clara Gardens RDEIR comments - Migratory Canadian Geese photos

>>> "Kirk Vartan" <kirk@savebarec.org> 09/08/06 5:13 PM >>>
To Whom It May Concern:

The following images were taken of the BAREC property when migratory Canadian Geese were using the land. They appear on this land yearly from mid-August for about 2-3 weeks. This year, they stayed until September 1st. For details on how many landed daily and the approximate numbers, please contact Ken Randazzo. He borders the BAREC property and has witnessed this activity for over 26 years.

The images are dated as follows. If you would like larger versions, I have that as well. I also have exact times each image was taken. Please have your bird experts examine the gaggles and give their opinions.

Here is a link to a video of one of the gaggles taking off:

<http://www.youtube.com/watch?v=tcIM83VD9Bs>

The following images were taken on August 25, 2006 at 7:31am

IMG_5829.jpg

IMG_5830.jpg

The following images were taken on August 25, 2006 at 7:21-8:04pm

IMG_5842.jpg

IMG_5843.jpg

IMG_5846.jpg

IMG_5847.jpg

IMG_5849.jpg

IMG_5851.jpg

IMG_5852.jpg

IMG_5853.jpg

IMG_5854.jpg

IMG_5855.jpg

The following images were taken on August 26, 2006 at 7:17-8:03pm

R28-1

R28-2

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IMG_6000.jpg

R28-2
Cont'd

The following image was taken on August 27, 2006 at 9:36am

IMG_6002.jpg

The following image was taken on August 28, 2006 at 7:53am

IMG_6057.jpg

The following images were taken on August 29, 2006 at 7:05-7:06pm

IMG_6125.jpg
IMG_6126.jpg
IMG_6127.jpg
IMG_6128.jpg

Thank you and please confirm you received this email.

Kirk Vartan
San Jose, CA

LETTER R28

Kirk Vartan
September 8, 2006

- R28-1** The commenter provides several digital images of Canadian geese at the Project Site. Please refer to response to comment R24-1.
- R28-2** The commenter provides a web link to videos and digital images of Canadian geese at the Project Site. Copies of the photos are on file at the City of Santa Clara Planning Department. Please refer to response to comment R24-1.

From: Amanda Olekszulín
To: kristen.stoner@edaw.com
Date: 9/11/2006 1:32:33 PM
Subject: Re: BAREC RDEIR/Santa Clara Gardens - FW: Canadian Geese #s at Barec property

>>> "Kirk Vartan" <kirk@savebarec.org> 09/08/06 8:05 PM >>>
Please include in the EIR....re: geese

Sent: Friday, September 08, 2006 5:20 PM
To: kirk@savebarec.org
Subject: Canadian Geese #s at Barec property

Canadian Geese migration daily #s of birds at Barec Property.
First showed up on.

AUGUST 16th -50+ Geese
17th - 50+ Geese
18th - 50+ Geese
19th - 49 exact count of Geese
20th -70+ Geese
21st - 75+ Geese
22nd - 100+ Geese
23rd - 100+ Geese
24th - 100 ++ Geese - have pictures
25th - 120 + Geese - have video
26th - 110 + Geese
27th - 125 + Geese
28th - 160 + Geese - have pictures
29th -160 + Geese
30th - 160 + Geese
31st - 140 + Geese
Sept 1st Geese are gone, none today
Sept 2nd none today
Sept 3rd - 12 Geese today

Sept 4th to date no more have arrived, gone for the season until
this same time next year. I have lived here 26 + years and this
goes on every year at the same time. I notice this as I am very
aware of the wild birds in my area that use the Barec property.

KENNETH G. RANDAZZO
124 N. HENRY AVE.
SAN JOSE, CA. 95117

R29-1
R29-1

R29-2
R29-2

----- Original message -----

From: "Kirk Vartan" <kirk@savebarec.org>

> You need to get your comments in by 5pm today! Send them to:
>
> Gloria Sciara: GSciara@ci.santa-clara.ca.us
> Be sure to put BAREC RDEIR and Santa Clara Gardens in the subject

> and the body of the message. I would also ask for confirmation
via
> email.
>
> Linda, I'd include your presentation.
>
> -Kirk
>
> kirk@savebarec.org
> www.savebarec.org
> 888-BAREC-80
>

LETTER R29

Kirk Vartan
September 8, 2006

- R29-1** The commenter states that a number of Canadian geese have been observed on the Project Site and has provided an accounting of his observations. Please refer to response to comment R24-1.
- R29-2** The commenter notes that Canadian geese visit the site during migration on a yearly basis. Please refer to response to comment R24-1.

R30

From: "Kirk Vartan" <kirk@savebarec.org>
To: "Gloria Sciara" <GSciara@ci.santa-clara.ca.us>
Date: 9/8/2006 10:35:28 PM
Subject: FW: BAREC/Santa Clara Gardens RDEIR comments - part 2

second part of the three (2 Videos)

R30-1
R30-1

LETTER R30

Kirk Vartan
September 8, 2006

R30-1 The commenter submits two videos of workers at the Project Site. No comments on the DEIR analysis are provided; therefore, no response is necessary.

R31

From: Amanda Olekszulín
To: kristen.stoner@edaw.com
Date: 9/11/2006 1:31:02 PM
Subject: Re: FW: BAREC/Santa Clara Gardens RDEIR comments - part 3

Please note that effective immediately, my e-mail address has changed to:
amanda.olekszulín@edaw.com
Please update your address books accordingly.

Amanda Olekszulín
Senior Project Manager
EDAW, Inc.
2022 J Street
Sacramento, CA 95814
(916) 414-5800
916-414-5850 (fax)

>>> "Kirk Vartan" <kirk@savebarec.org> 09/08/06 10:35 PM >>>
part 3 of 3

(1 Video and 8 Pictures)

R31-1
R31-1

















LETTER R31

Kirk Vartan
September 8, 2006

R31-1 The commenter provides a video of on-site weeds and eight pictures of weeds at the Project Site. No explanation of the materials is provided. This comment does not address the analysis presented in the DEIR; therefore, no response can be provided.

R32

m|r|wolfe
& associates, p.c.
attorneys-at-law

September 8, 2006

VIA FAX & E-MAIL

Gloria Sciara, AICP
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
Fax: (408) 247-9857
Eml: gsciara@ci.santa-clara.ca.us

**Re: Comments on Revised Draft EIR for Santa Clara Gardens
Development Project (SCH # 2003072093)**

Dear Ms. Sciara:

The following comments on the Revised Draft EIR ("RDEIR") for the Santa Clara Gardens Development Project ("Project") are submitted on behalf of our client SaveBAREC.org, an unincorporated association of individuals, organizations, and businesses that live, work and/or operate in Santa Clara and San Jose. Our comments address the revised section 4.6 of the Draft EIR containing the analysis and proposed mitigation of risks associated with the presence of hazardous materials at the Project site.

We previously submitted comments on April 28, 2006 regarding the inadequate analysis and mitigation of hazardous materials impacts in the original Draft EIR ("DEIR"), including a critical review prepared on April 20, 2006 by Mehrdad Javaherian, PhD, PE, IAH and Eric Zickler, MS of ETIC Engineering, Inc. Those comments, which we incorporate into this letter by here by reference, documented serious flaws in the DEIR's analysis that resulted from its reliance on an inadequate Phase II Site Characterization Report (October 2003, ENVIRON) and Remedial Action Workplan (December 2003, ENVIRON). Among the defects identified were the following:

- Inadequate site characterization, including identification of chemicals of potential concern, sampling, and laboratory analysis;
- Inadequate assessment of human health risks associated with future development of the site, including failure to prepare an adequate Human Health Risk Assessment;
- Inadequate and inconsistent approach to establishing cleanup criteria;
- Inadequate and inconsistent approach to use of cleanup criteria in support of estimating the extent of soil (and contaminant) removal;

R32-1
R32-1

R32-2
R32-2

R32-3
R32-3

R32-4
R32-4

R32-5
R32-5

- Inadequate risk management measures to protect future site occupants from residual contamination.

R32-6
R32-6

The City's reasons for circulating revisions to the DEIR's hazardous materials impact analysis are vague. The Revised Draft EIR purports only "to clarify the approach and methodology used to assess the potential for hazardous materials risk" RDEIR, p. 1-2, leaving the reader to question the fundamental soundness of that approach and methodology. Regardless, and as discussed in detail below, the Revised Draft EIR in no manner corrects or adequately addresses the numerous defects in the Draft EIR. Indeed, it fails even to address most of the substantive comments made in our April 28, 2006 letter or in ETIC's April 20, 2006 technical memorandum. The City remains obligated to address each of the points made in our April 28, 2006 comment letter, ETIC's April 20, 2006 memorandum, and this letter. Accordingly, the City must, at minimum, conduct additional sampling and analysis, revise the proposed mitigation, and recirculate an adequate Draft EIR for public comment.

R32-7
R32-7

R32-8
R32-8

R32-9
R32-9

Set forth below is a more detailed discussion of the continuing inadequacy of the City's treatment of hazardous materials issues in this EIR.

I. USE OF IMPROPER SAMPLING PROTOCOL

As discussed in our previous comments, the DEIR's use of the DTSC school site sampling protocol is improper for this Project. The protocol *according to its own terms* where pesticide application is non-uniform or where there are mixing zones, building sites, or reuse of formerly sprayed areas. All three of these conditions apply at the site, rendering use the school site protocol manifestly improper. As we also discussed, DTSC requires the use of biased, discrete sampling methods in cases where the school site protocol does not apply. Some form of data adequacy evaluation is essential under these circumstances, *e.g.*, the EPA's Data Quality Objectives process. However, the Phase II did not provide *any* evaluation of data adequacy.

R32-10
R32-10

The Revised Draft EIR fails to address these points. It merely observes that the school site protocol is intended to protect sensitive users, but fails to explain how it can do so when it is improperly applied. It claims, incorrectly, that DTSC approved the sampling and testing in a letter contained in Appendix N, and that DTSC has approved the Draft RAW. This referenced letter does not address sampling methods and/or testing adequacy; it merely approves release of the Draft Remedial Action Workplan for public comment. There is no indication in the DEIR or its revisions that DTSC has substantively "approved" either a draft or a final Remedial Action Workplan. The cited letter is clear that DTSC only "approves the RAW for a 30-day public notice" and that DTSC will not issue the substantive "final approval" until it has reviewed public comments, including the comments we have independently submitted to DTSC.

R32-11
R32-11

R32-12
R32-12

R32-13
R32-13

In short, the claims made in defense of the sampling protocol in the revised Draft EIR are misleading. They are also irrelevant: even if DTSC had approved the Phase II document, it remains the case that it is based on an improper application of DTSC's sampling protocol.

R32-14
R32-14

II. INADEQUATE SAMPLING AT DEPTH

We previously commented that inadequate sampling was conducted below the surface (below 0.5 feet bgs). The DEIR offered no justification for the decision to limit sampling to the surface. Concentrations over screening levels were detected at a final depth of three feet in numerous discrete sampling locations with no further investigation. Thus, we concluded, there was no support for the claim that there were no chemicals of potential concern at depth. We also objected that groundwater sampling should have been conducted because irrigation may have pushed chemicals into the vadose zone.

R32-15
R32-15

R32-16
R32-16

Apparently in response to this point, the Revised Draft EIR incorrectly claims that samples were collected and analyzed at increasing depths until chemical levels were below or near screening levels. RDEIR, p. 4-3. In fact, as Table 9 of the Phase II report indicates, there were a number of instances in which arsenic concentrations were detected at 3.0 feet below ground surface ("bgs") at concentrations over 20 mg/kg, the concentration level that the Draft RAW (improperly) assumes to be the background arsenic level, *e.g.*, Borings F4-C and F4-7. No deeper samples were taken at these locations. Thus, even using its own liberal definition of what counts as arsenic contamination, the Phase II report failed to characterize the extent of site contamination.

R32-17
R32-17

Furthermore, as discussed below, because there is no justification for assuming that background arsenic is any greater than 11 mg/kg at the site, the proper screening level for arsenic contamination is at most 11 mg/kg. Arsenic was detected at concentrations in excess of 11 mg/kg at .05 feet bgs in numerous borings, and it continued to be detected at levels over 11 mg/kg at 3.0 feet bgs at a number of these borings, *e.g.* F4-C, F4-E, F4-F, F4-G, F4-1, F4-7, F5-C, F5-D, F6-C. However, no deeper samples were taken or analyzed at these sites. At a number of sites, no samples were even analyzed at 3.0 feet bgs even though the arsenic concentration in the sample at .05 bgs was over 11 mg/kg, *e.g.*, F4-1, F4-9, F4-10, F4-12, F4-13, F4-15, F4-17, F9-A. Thus, again, the Phase II failed to evaluate the vertical extent of significant arsenic contamination.

R32-18
R32-18

The Revised Draft EIR also claims that groundwater need not be investigated because pesticides were not detected over screening levels at depths greater than 4 feet bgs, and because the chemicals are designed to "stick" to plants and the ground surface. RDEIR, p. 4-2 to 4-3. However, as demonstrated, the failure to detect pesticides at depth greater than 4 feet bgs was due to a failure to sample at depth. To paraphrase our Secretary of Defense (speaking in a different context): Absence of evidence is not evidence of absence. Furthermore, the evidence that some pesticides *were* found at depths of 3 and 4 feet bgs demonstrates that their "stickiness" did not keep them on the surface.

R32-19
R32-19

The Revised Draft EIR claims, with no support, that dieldrin concentrations in Fields 1, 3, and 7 were isolated and limited in their horizontal extent. RDEIR, p. 4-4. In fact, where dieldrin was detected over screening levels there is no evidence that additional sampling was conducted to determine the horizontal extent of the

R32-20
R32-20

contamination. As we pointed out previously, it appears that dieldrin samples were spaced at least 150 feet apart and no additional samples were taken to characterize the horizontal extent of contamination where elevated concentrations were found.

R32-20,
Cont'd

III. INADEQUATE LABORATORY ANALYSIS OF SAMPLES

We previously commented that it was improper not to conduct laboratory analysis of soil samples for the 75+ pesticides known to have been used at the site as well as the numerous pesticides that may have been used before records were kept. We also objected to the screening method used to exclude pesticides from laboratory analysis, because it is based on a theoretical model of chemical dissipation that has not been validated. We also objected that the Phase II report had omitted the data showing the application of this screening method, which may have been contained in the referenced (but missing) tables 3a, 3b, and 3c.

R32-21

The Revised Draft EIR does not address these concerns, except to claim that soil samples were "*screened for* 89 different" chemicals "known to be in use." RDEIR, p. 4-2 to 4-3. Thus, the Revised Draft EIR fails to respond to the key point that screening based on a theoretical model of dissipation and half-lives without sampling and analysis is inadequate. The Revised Draft EIR provides no new justification for not testing chemicals known to have been used, or for not conducting analysis to find chemicals that may have been used before records were kept.

R32-22

The Revised Draft EIR claims that copies of the Phase II report have been recirculated as Appendix E. RDEIR, p. 4-2. However, the tables purporting to apply the screening method whereby Environ decided not to test for known pesticides are *still* not included. So, despite our comment that meaningful analysis is not possible without this information, the Revised Draft EIR continues to withhold it.

R32-23

IV. IMPROPER RELIANCE ON PRIOR INVESTIGATIONS

In our earlier comments we objected to the reliance on prior investigation of the evaporation bed and the underground storage tanks. We pointed out that additional samples should have been taken at depth under the evaporation bed. We also pointed out that sampling results from the 1993 UST removal action were not an adequate basis for concluding that no problems remained.

R32-24

The Revised Draft EIR does not address either of these problems.

V. FAILURE TO INCLUDE A FINAL HEALTH RISK ASSESSMENT

Our earlier comments pointed out that Human Health Risk Assessment ("HHRA") should have been presented in the DEIR for a number of reasons, including the following:

R32-25

- The site is complex and contains multiple chemicals of concern;

- Remediation goals should be based on a cumulative health impacts which can only be evaluated in a site-specific HHRA;
- Environ did in fact draft an HHRA, and this HHRA should therefore have been finalized and presented to DTSC because the Voluntary Cleanup Agreement requires that DTSC review all such materials;
- The draft HHRA was relied upon by the peer review cited in the DEIR; and
- An HHRA is called for by DTSC guidelines.

R32-25,
Cont'd

The Revised Draft EIR does not address these comments. It states only that DGS conducted a Phase II site investigation (RDEIR, p. 4-13) and that a copy of the Phase II is included in appendix E (RDEIR, p. 4-2). It does not explain why the HHRA was withheld.

VI. THE DRAFT HEALTH RISK ASSESSMENT THAT WAS PERFORMED WAS FUNDAMENTALLY FLAWED

We previously evaluated the draft HHRA and identified numerous flaws which resulted in an understatement of the actual risk at the site. These flaws included the following:

- Not all chemicals of potential concern were evaluated;
- No groundwater data were evaluated and inadequate soil depths were sampled;
- VOCs were not evaluated;
- The home produce exposure pathway was not evaluated;
- The reasonable maximum exposure case was understated because it was based on mean concentrations instead of maximum concentrations; and,
- Out-of-date toxicity data were used.

R32-26

The Revised Draft EIR does not address these concerns.

VII. UNACCEPTABLE HEALTH RISK AT THE SITE

We previously commented that even the flawed draft HHRA demonstrates that the health risk at the site is unacceptable. It shows a cancer risk of 3×10^{-5} , which is greater than the EPA target for excess cancers of 1×10^{-6} . When ETIC revised the HHRA analysis in order to properly use maximum concentrations in the reasonable maximum exposure case, the results showed an excess cancer risk of 1.03×10^{-4} , greater than the EPA maximum acceptable risk of 1×10^{-4} . The HHRA would have shown even higher risks had it used correct toxicity results and included all chemicals of potential concern and exposure pathways.

R32-27

The Revised Draft EIR does not address these comments.

VIII. IMPROPER DETERMINATION OF TARGET CLEANUP LEVELS

We previously objected that the targeted cleanup levels were improperly based on background arsenic concentrations and the dieldrin PRG. Cleanup levels should be risk-based, which requires preparation of a proper site-specific HHRA. For example, the cleanup levels adopted ignore the presence of multiple contaminants; the dieldrin PRG would only be a proper risk-based cleanup level if dieldrin were the sole contaminant. At minimum, cleanup levels should be revised to account for cumulative effects.

R32-28

The Revised Draft EIR does not address these comments.

IX. IMPROPER DETERMINATION OF BACKGROUND ARSENIC LEVEL

We also argued that the background level for arsenic used as the cleanup criterion was not properly determined. First, Environ chose to use as background the *maximum* concentration of 20 mg/kg from a purportedly similar site rather than the documented average of 12mg/kg from that site. There is no justification for this arbitrary selection, particularly since the background sample taken at the BAREC site had a concentration of 5.4 mg/kg. Second, data in the Phase II report itself demonstrates that the site wide average based, even *including* contaminated samples, is only 11 mg/kg, which is entirely inconsistent with assuming a 20 mg/kg background level.

R32-29

The Revised Draft EIR does not address these comments.

X. REMOVAL PLAN IMPROPERLY PERMITS HOT SPOTS

We objected that the removal plan will permit hot spots over the arsenic background level, whether that background level is assumed to be 12 mg/kg (based on the purportedly similar site), 11 mg/kg (based on actual sampling at the site), or 5.4 mg/kg (based on the actual background sample taken at the site). Hot spots will be permitted because the cleanup plan only requires removal of concentrations over 20 mg/kg. The cleanup plan assumes with no evidence that removal of concentrations over 20 mg/kg would result in meeting the objective of an average level of 12 mg/kg.

R32-30

We also objected that the cleanup plan does not require removal of dieldrin in two of the three fields where sampling demonstrates that dieldrin concentrations exceed the PRGs. This is due to a flawed assumption that it is sufficient to meet an average dieldrin concentration in a field rather than to ensure that no location exceeds the cleanup criterion.

R32-31

The Revised Draft EIR does not address these comments.

XI. FAILURE TO INCLUDE RISK MANAGEMENT PLAN IS PRESENTED TO ADDRESS REMAINING CONTAMINATION

We previously commented that because the cleanup plan proposes to leave significant contaminants in place, it should include a Risk Management Plan, including deed restrictions and institutional controls, *e.g.*, limits to groundwater use and home vegetable gardens and procedures for soil management practices. The Revised Draft EIR did not address these comments.

R32-32

In sum, the revision of the discussion of hazardous materials in the Draft EIR failed to address any of the shortcomings in the Draft EIR. The City must conduct additional sampling and analysis, revise the proposed mitigation, prepare a legally adequate revision to the EIR, and recirculate it for public comments.

R32-33

R32-34

XII. ADDENDUM: POTENTIAL USE OF SITE BY MIGRATORY BIRDS

In recent weeks, following the close of the public comment period on the original Draft EIR, large number of what appear to be Canada Geese have been documented using the BAREC site, primarily at sunset. Digital photographs showing this are attached to the electronic version of this letter. Prints will be submitted to the City under separate cover.

R32-35

Development of the BAREC site may therefore carry additional impacts on these biological resources. These impacts should be evaluated and, if found significant, mitigated.

Thank you for the opportunity to present these comments. Please call with any questions.

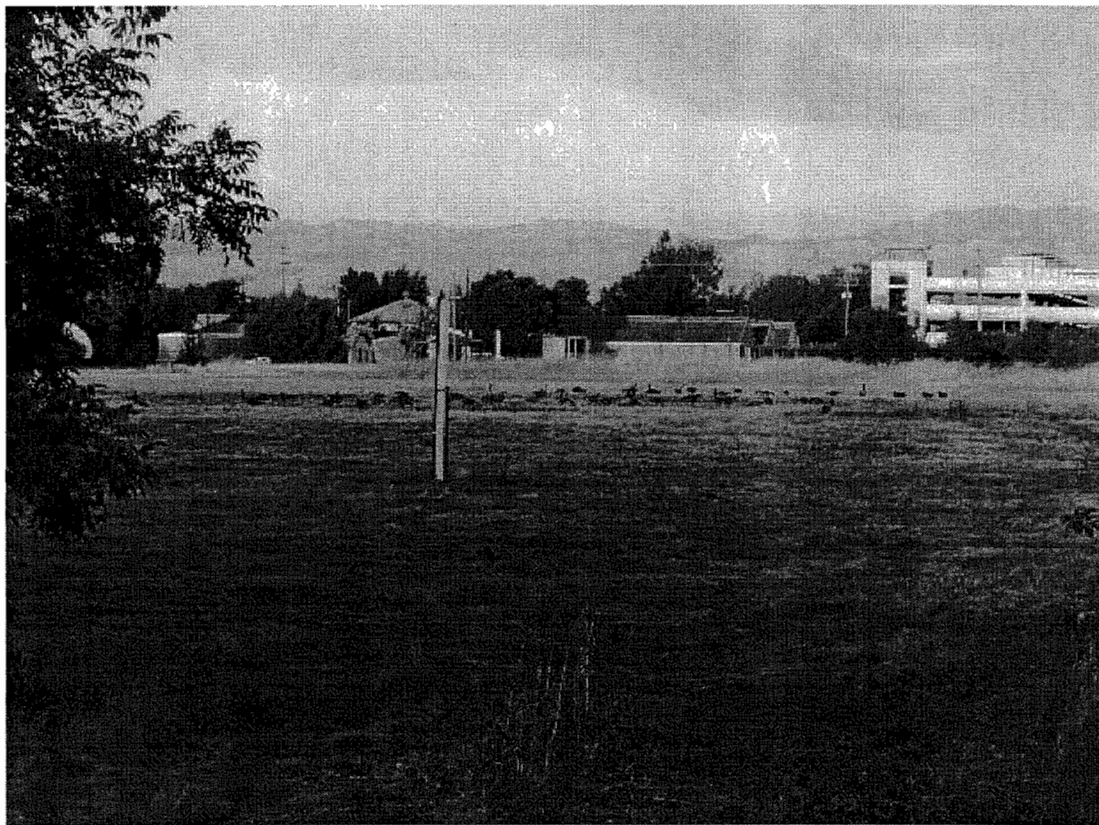
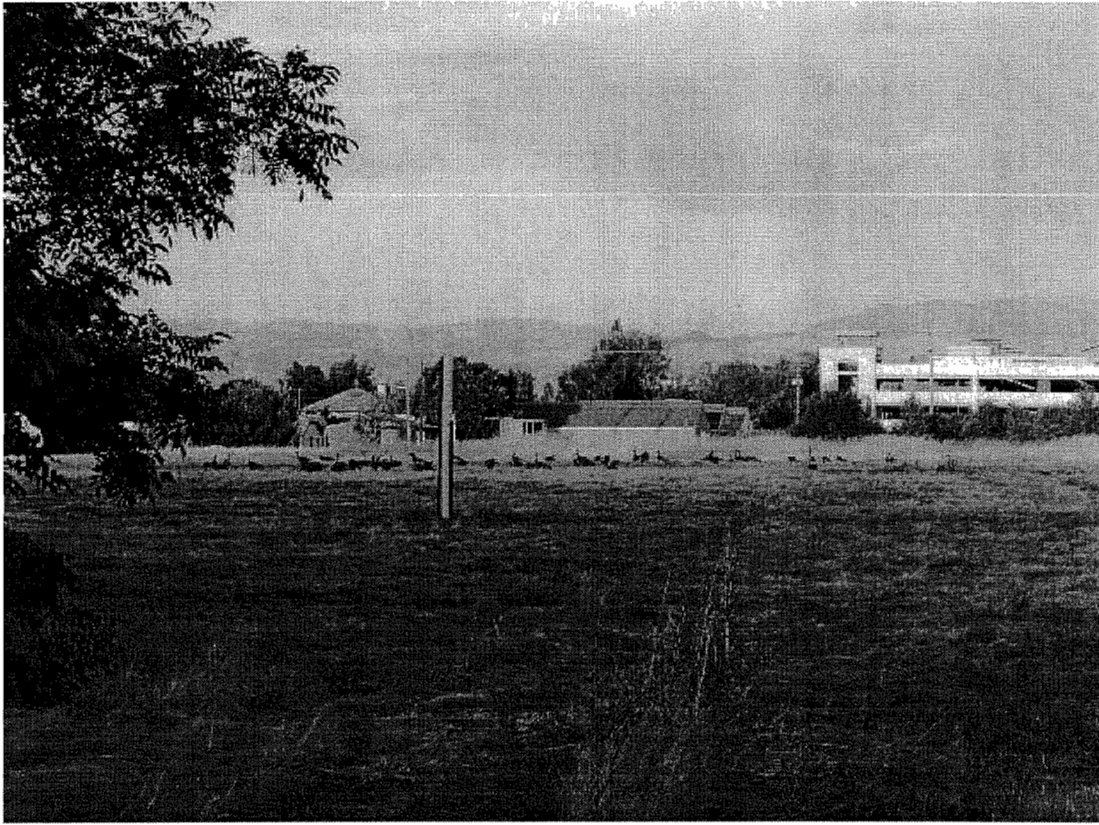
Yours sincerely,

M. R. WOLFE & ASSOCIATES, P.C.



Mark R. Wolfe
John H. Farrow

JHF:ch
attachment



LETTER R32

Mark R. Wolfe
September 8, 2006

- R32-1** The commenter states that he incorporates his comments submitted previously on the DEIR by reference. The commenter's DEIR letter is presented as comment letter 8 in the FEIR. Please refer to responses to comments 8-1 through 8-113.
- R32-2** The commenter states that the DEIR provided inadequate site characterization including chemicals of potential concern. Please refer to Master Response 4 (Section 3.4.1, "Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents"). The investigation of hazardous materials on the site followed a systematic and thorough process in close coordination with DTSC and in compliance with state regulatory procedures. The DEIR and Recirculated DEIR fully comply with CEQA statutes and State CEQA Guidelines for contents of an EIR in that the environmental documents fully disclose in good faith the hazardous materials analysis, its conclusions about environmental and health risks, and potential significance of impacts. The commenter offers no evidence to support that the analysis in the EIR is inadequate; therefore, no further response can be provided.
- R32-3** The commenter states that the DEIR provided an inadequate assessment of human health risks and did not prepare a human health risk assessment. Please refer to Master Response 4 (see Section 3.4.3, "Preparation of a Health Risk Assessment"). Because the commenter does not provide any evidence of how the analysis is inadequate, no further response can be provided.
- R32-4** The commenter states the DEIR has an inadequate and inconsistent approach to establishing clean up criteria. Please refer to Master Response 4 (see Section 3.4.1, "Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents"). Because the commenter does not provide any evidence of how the analysis is inadequate, no further response can be provided.
- R32-5** The commenter states the DEIR has an inadequate and inconsistent approach to establishing clean up criteria in support of estimating the extent of soil removal. Please refer to Master Response 4 (see Section 3.4.1, "Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents"). Because the commenter does not provide any evidence of how the analysis is inadequate, no further response can be provided.
- R32-6** The commenter states the DEIR has an inadequate risk management measures to protect future occupants from residual contamination. Please refer to Master Response 4 (see Section 3.4.2, "Potential Health Impacts of Remediation Activities, Including Airborne Dispersal"). Soils on the Project Site would be remediated to unrestricted residential use levels under the oversight of DTSC. This is a stringent standard for removal of contaminants that is intended specifically to protect human health for long-term residential use. Therefore, no risk management measures would be necessary.

- R32-7** The commenter states that the City's reasons for recirculating the DEIR are vague. One of the reasons the City recirculated the DEIR was to provide an expanded discussion about efforts to investigate the potential contamination in on-site soils. The Recirculated DEIR included appendices prepared by technical consultants who performed the investigation and prepared the RAW. The City decided to recirculate this revised discussion in light of the number and scope of questions submitted by the commenter and others regarding the DEIR originally circulated in March 2006. As a legal matter, recirculation was not required, because the analysis in the original DEIR was adequate, and the characterization of the potential impacts associated with these materials has not changed; both the March 2006 DEIR and the July 2006 Recirculated DEIR conclude the impact will be less than significant. Nevertheless, it was clear that there was significant public interest in a fuller discussion of how the City and its consultants reached these conclusions. For these reasons, the City decided to provide an expanded discussion, including the technical reports upon which this analysis was based, to provide a fuller description of the methodology used by the Lead Agency.
- R32-8** The commenter states that the Recirculated DEIR did not correct numerous defects in the DEIR as described in their previous comments. As described in the Recirculated DEIR, the Hazards and Hazardous Material section (Section 4.6) was recirculated to clarify and provide a more detailed explanation of the methodology used in characterizing the potential contamination in on-site soils. The analysis presented in the DEIR adequately assessed the Project Site's hazardous material impacts in accordance CEQA and the State CEQA Guidelines. Neither new significant environmental effects nor increases in the severity of previously presented effects were identified in the expanded discussion of hazardous materials investigation methodologies. Therefore, no additional analysis or changes to the DEIR conclusions were needed. Responses to specific issues raised in the commenter's previous comment letter are provided in responses to comments 8-1 through 8-113.
- R32-9** The commenter states that the City is obliged to address each of their previous comments and should therefore recirculate an adequate DEIR. Regarding the reasons for recirculating, please refer to response to comment 30-8. Responses to the commenter's previously submitted letter are provided in response to comment 8-1 through 8-113. The commenter does not provide any evidence supporting that the analysis is inadequate; therefore, no further response is provided.
- R32-10** The commenter states that the school site sampling protocol is inadequate and the DEIR should use discrete sampling methods and evaluate the adequacy of the data. Discrete sampling methods were used in lieu of the composite sampling recommended in the school site sampling protocol. Discrete samples are individual samples collected at a specific location/depth, while composite samples consist of individual samples from multiple locations/depths that are "mixed" into one sample, thereby averaging out constituent concentrations. As discussed in more detail in response to comment 8-30, the school site protocol applies to sites where pesticides and fertilizers were applied "more or less uniformly" at the site. Thus, the protocol recognizes that perfect uniformity of application is not necessary. Moreover, there is no evidence that chemical use or water use at BAREC was substantially greater; in fact, the records reviewed indicate that the quantities of pesticides and fertilizers used at BAREC were much lower than at typical agricultural sites. Please refer to responses to comments 8-4 and 8-10, where more detailed responses to comments about sampling protocols are provided. (Please note that many of the comments that follow in this letter represent components or subpoints of the overall question about adequacy of site sampling for the hazardous materials investigations, so additional cross references to the substantive responses to comments 8-4 and 8-10 are included in subsequent responses.)

- R32-11** The commenter states that the DEIR fails to explain how the school site sampling protocol can protect sensitive users when it is improperly applied. As described in responses to comments 8-4, 8-10, 8-30, and R32-10, the school sampling is appropriate for the existing and proposed land uses at the Project Site and is the protocol approved by DTSC for characterizing on-site contamination. This methodology is appropriate not only because of its approval or endorsement by DTSC, but also because it is widely used throughout California for the clean up of agricultural soils and is appropriately tailored to each project based on the specific site conditions encountered at each location. DTSC approved the Draft RAW on May 11, 2004 and the methodology by which the site characterization activities were performed. Please also refer to Master Response 4 (see Section 3.4.1, “Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents”).
- R32-12** The commenter states that the letter from DTSC included in Appendix N of the DEIR does not address the sampling methods or testing adequacy. The letter from DTSC included in the DEIR indicates the DTSC has reviewed the Draft RAW and approved of its release for public circulation. In the Draft RAW, the sampling methodology (specifically, the school site sampling protocol) was identified and used to determine the level of clean up proposed for the Project Site. By approving the public release of the Draft RAW, DTSC also agrees with and supports the methodology used to characterize on-site contamination and the proposed methods by which contamination would be remediated. Further, the DTSC issued a letter on November 10, 2003 indicating that it completed its review of the Site Characterization Report for the project and approves the report (see Appendix A of this document). While DTSC would issue its final approval of the RAW once all public comments are received and responded to, DTSC has indicated through approval of the Phase II Site Characterization Report that the methodology used in characterizing on-site soils meets their requirements. DGS and DTSC have been working closely together to characterize on-site soil contamination and identify the appropriate remediation methods to clean up on-site soils to unrestricted residential use levels consistent with the terms of the VCA.
- R32-13** The commenter states that DTSC will not issue substantive final approval of the RAW until it has reviewed public comments. This statement is correct. However, DTSC has approved of the methodology by which the Draft RAW was prepared and the data used to support the analysis provided in the Draft RAW through its approval of the Site Characterization Report. Please refer to response to comment R32-12.
- R32-14** The commenter restates the position that the sampling protocol is inappropriate. Please refer to Master Response 4 (see Section 3.4.1, “Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents”) and responses to comments 8-4, 8-10, R32-11 and R32-12.
- R32-15** The commenter restates his opinion that inadequate sampling below the surface was conducted. Please refer to response to comment 8-4. Initial soil samples were taken to a depth of six inches below the surface because the substances at issue were applied to the soil, and do not migrate over time. Thus, a sample taken from the six inches closest to the ground surface would be a reliable basis for determining whether substances of concern are present in a given location (See Recirculated DIR, page 4-2 through 4-3). Although the commenter states that no samples were taken at depths greater than six inches below the surface, this statement is untrue. Wherever substances of concern were detected in surface soil samples, additional samples were taken at great depths at the same location, until such samples no longer detected the substances of concern at actionable levels. These soil samples were obtained at depths of up to 10 feet

below the surface. In this fashion, the investigation identified both the horizontal and vertical extent of the present substances of concern. For further information regarding methods used to sample soils at the site, please see Appendix E of the Recirculated DEIR.

Substances of concern identified at the site are not water soluble. For this reason, irrigation activities at the site would not be expected to transport those substances to the vadose zone or to groundwater. Rather, given the nature of substances of concern at the site, soil sampling was considered adequate to characterize the horizontal and vertical presence of such substances. DTSC reviewed and approved the sampling protocol.

As indicated in R10-10, no groundwater was encountered in soil borings at the site. These soil borings extended up to ten feet below the ground surface. The depth to groundwater at the site is estimated to be between 20 and 30 feet bgs. For further information on ground water characteristics, please see Appendix E to the Recirculated DEIR.

R32-16 The commenter states that groundwater sampling should have been performed because irrigation may have pushed contaminants into the vadose zone. Please refer to response to comment 8-10.

R32-17 The commenter states that the Phase II investigation (i.e., the Site Characterization Report) did not characterize the extent of site contamination, because no soil samples deeper than 3 feet below ground surface (bgs) were obtained. Please refer to response to comment 8-10.

R32-18 The commenter suggests that because inappropriate sampling protocol was used, the appropriate screening level for arsenic is 11 milligrams per kilogram (mg/kg) and that arsenic concentrations greater than 11 mg/kg were detected at 3 feet bgs and no deeper sampling was conducted. Regarding the appropriateness of the screening threshold, please refer to response to comment 8-12. Regarding the appropriateness of the sampling protocol, please refer to response to comment R32-12. Regarding the depth of sampling that occurred at the Project Site, please refer to response to comment 8-4.

The site characterization methodology called for deeper samples for arsenic, if shallow sampling results indicated that arsenic concentrations that exceeded 20 mg/kg. This approach allows the investigation to target locations of potentially deeper contamination. (Please see response to comment 8-12 for a discussion of the concentration levels for cleanup goals). There were two sample locations (F4-C and F4-7) in Field 4 with arsenic concentrations at 3 feet bgs that were above 20 mg/kg, so deeper samples were taken. At F4-C, an additional soil boring, SB-2, was installed to 4 feet bgs to determine the vertical extent of arsenic contamination. SB-2 soil samples had an arsenic concentration of 7.7 mg/kg at 4 feet bgs (see Table 9 of the Phase II report). At F4-7, an additional soil boring, SB-3, was installed to 4 feet bgs to determine the vertical extent of arsenic. SB-3 had a concentration of arsenic of 2.6 mg/kg at 4 feet bgs (see Table 9 of the SCR). As discussed in the Draft RAW, these two locations are planned to be excavated to approximately 4 feet bgs. In addition and as described in the Draft RAW in Section 5.3, samples will be collected during excavation at the other sample locations to confirm that the cleanup goals for arsenic are met. If the samples show that elevated concentrations of arsenic remain, additional soil will be excavated and removed until the cleanup goals are met and verified by DTSC. Therefore, irrespective of the soil clean up methodology used, soils at the site would meet DTSC clean up standards.

R32-19

The commenter states groundwater should have been sampled because the failure to detect pesticides at depth was due to a failure to sample at depth. Please refer to response to comment 8-10. Sampling was performed at depths sufficient to obtain samples below clean-up levels. Sampling at even greater depths was unnecessary, once a sample at below action levels was obtained, because sampling at such depths is sufficient to characterize the vertical extent of contamination. Groundwater levels at the site are estimated to be 20 to 30 feet bgs. These levels are located at least ten feet below the deepest levels at which substances of concern were detected at concentrations above action levels. Substances of concern are not soluble and would not be expected to migrate to ground water beneath the site. Thus, available evidence indicates that affected soil has not come into direct contact with groundwater. For these reasons, groundwater sampling was not required in order to characterize the horizontal and vertical extent of substances of concern.

R32-20

The commenter states that where dieldrin was detected over screening levels, no additional sampling was conducted to determine the extent of the contamination and notes that soil samples were spaced at least 150 feet apart. The commenter offers no evidence that the soil sampling protocol is inadequate. Please refer to response to comment 8-4. At location F1-C, soil with dieldrin above screening levels will be excavated. Soil samples will be collected from the excavated area by a qualified environmental professional and analyzed by a California-certified laboratory. If the samples show that elevated concentrations of chemicals remain in adjacent areas, additional soil will be excavated and removed until the clean up goals are met and verified by DTSC. This approach ensures the site meets stringent clean up standards after the completion of soil removal and remediation.

At locations F3-A-0.5 and F3-B-0.5, dieldrin concentrations are 42 and 37 ug/kg, respectively. The dieldrin PRG is 30 ug/kg which corresponds to a cancer risk of one in one million (1×10^{-6}). DTSC advises that when concentrations slightly exceed a PRG, health risks associated with these concentrations should be evaluated in comparison to DTSC's acceptable risk range. The dieldrin concentrations at these two locations are not significantly above the PRG. The maximum cancer risk from these two locations corresponds to a cancer risk of 1.3 in one million (1.3×10^{-6}), which is within the DTSC's acceptable risk range (1×10^{-6} to 5×10^{-6}) and as such, no remediation is required at these two locations and no additional sampling was required by DTSC.

Sampling was performed in accordance with California Environmental Protection Agency (Cal EPA) – Department of Toxic Substances Control (DTSC) guidance¹ for sampling agricultural sites for future schools, including the oversight of DTSC.

R23-21

The commenter states that it was improper not to conduct laboratory analysis of the soil samples for the 75+ pesticides known to have been used at the site as well as the numerous pesticides that may have been used at the site. Please refer to response to comment 8-4 and Master Response 4 (see Section 3.4.1, "Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents").

The commenter also objects to the screening analysis used to exclude pesticides from laboratory analysis, because it is based on a theoretical model of chemical dissipation that has not been validated. Please refer to response to comment 8-10 and Master Response 4 (see Section 3.4.1, "Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents"). The screening methodology used to evaluate soil samples was consistent with DTSC methodology and has been reviewed by DTSC for its appropriateness.

¹ California Environmental Protection Agency – Department of Toxic Substances Control (DTSC), *Interim Guidance for Sampling Agricultural Soils for School Sites (Second Revision)*, August 26, 2002.

This methodology is appropriate not only because of its approval or endorsement by DTSC, but also because it is widely used throughout California for the clean up of agricultural soils and is appropriately tailored to each project based on the specific site conditions encountered at each location. Constituents are screened out from additional investigation, based on evidence that they do not pose a hazard on this site. It is important to focus more detailed investigation on the important constituents that evidence indicates may pose a hazard, so the screening methodology is necessary for a well-targeted and effective hazardous materials investigation. The commenter does not suggest an alternate methodology; therefore, no further response can be provided.

The commenter also stated that the Phase II report (i.e., Site Characterization Report) omitted the data showing the application of the pesticide screening method. A copy of the referenced data is included as Appendix B of this document. Please refer to response to comment 8-10.

- R32-22** The comment restates concerns regarding pesticide screening protocol. Please refer to Master Response 4 (see Section 3.4.1, “Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents and responses to comments 8-4 and R32-21).
- R32-23** The commenter states that the tables reporting the screening method were missing from the Recirculated DEIR. Please refer to response to comment 8-10.
- R32-24** The commenter states that additional samples at depth below the evaporation bed should have been collected and that sampling from the 1993 removal action were not adequate. Please refer to response to comment 8-10. For additional information regarding sampling performed in the location of the former evaporation bed, please see Recirculated DEIR, Appendix E, p. 17. Samples were taken at various depths both in the center of the former pond, and at and beneath the location of the former sediment trap. These sample locations are considered sufficient to characterize soil conditions at and beneath this site.
- The commenter states the analysis should not rely on previous soils investigations performed in this location. The City disagrees with this comment. To the extent earlier investigations involved soil sampling in this area, these investigations provide information that is relevant to existing soil conditions at the site. Previous investigations in the vicinity of the former evaporation bed are described at pages 6-7 of the Phase II Site Characterization Report (Environ 2003) (Appendix E).
- R32-25** The commenter states several reasons why a human health risk assessment (HHRA) should have been performed. Please refer to Master Response 4 (see Section 3.4.3, “Preparation of a Health Risk Assessment”).
- R32-26** The commenter states that the preliminary health risk assessment that was prepared for the project was flawed for several reasons provided in the comment. Please refer to Master Response 4 (see Section 3.4.3, “Preparation of a Health Risk Assessment”). While reference to the HHRA was inadvertently made in the references chapter of the DEIR, a HHRA was neither required by DTSC nor relied upon in preparing the hazardous material analysis for the DEIR. Therefore, comments on the adequacy of the internal draft of the HHRA are not relevant to the analysis presented in the DEIR.
- R32-27** The commenter states that the flawed draft HHRA shows that the health risks on the Project Site is unacceptable. For a discussion of the potential health risks at the Project Site, please refer to Master Response 4 (see Section 3.4.3, “Preparation of a Health Risk Assessment”) and response to comment R32-26.

- R32-28** The commenter states that targeted clean up levels were improperly based on background arsenic concentration and that clean up levels should be based on a proper site-specific HHRA. Please refer to Master Response 4 (see Section 3.4.1, “Methodology Used in Preparation of the Hazardous Materials Analysis and Determination of Constituents, and 3.4.3, “Preparation of a Health Risk Assessment) and response to comments 8-10 and 8-12.
- R32-29** The commenter states that the background arsenic level as the cleanup criterion was improperly determined. The commenter states there is no justification for using the maximum concentration of 20 mg/kg versus the average concentration of 12 mg/kg from a similar site. Please refer to response to comment 8-12.
- R32-30** The commenter states that there is no evidence that removal of arsenic concentrations over 20 mg/kg would meet the objective of 12 mg/kg. Table 3 in the draft RAW presents the results of calculations that assume arsenic concentrations greater than 20 mg/kg in Field 4 are replaced with import fill soil with concentrations of arsenic that average 7 mg/kg. Under this scenario, the average site-wide arsenic concentration would be 9 mg/kg, which is below the site-wide objective of 12 mg/kg.
- R32-31** The commenter objects to the cleanup plan not requiring removal of dieldrin in the three fields where it exceeds PRGs. Please refer to response to comment 8-79.
- R32-32** The commenter states that because the project would leave contaminants in place, the project should prepare a risk management plan. As described in the RAW, on-site soils would be removed to achieve remediation of contamination to cleanup standards for unrestricted residential land use prior to occupancy by future site residents. As such, no risk management measurements would be necessary. Please refer to Master Response 4 (see Section 3.4.3, “Preparation of a Health Risk Assessment”).
- R32-33** The commenter states the Recirculated DEIR did not address any of the shortcomings of the DEIR. This is a general statement related to the commenter’s previously submitted comment letter. Please refer to responses to comments 8-1 through 8-113.
- R32-34** The commenter makes a general, concluding statement that the City must conduct additional sampling and analysis and prepare a legally adequate revision to the EIR. The analysis of hazardous materials provided in the DEIR fully complied with the requirements of CEQA and the State CEQA Guidelines. Please also refer to response to comment R32-2.
- R32-35** The commenter states that impacts to Canada geese should be evaluated in the DEIR. Please refer to response to comment R24-1.

BRANDT-HAWLEY LAW GROUP
Environment/Preservation

R33

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September 8, 2006

Ms. Gloria Sciara, Project Manager
City of Santa Clara, Planning Division
1500 Civic Center Drive
Santa Clara, CA 95050
By Fax: (408) 247-9857

Re: Comments on Santa Clara Gardens Development Project EIR

Dear Ms. Sciara,

These comments on the Cultural Resources section of the Santa Clara Gardens Development Project EIR are submitted on behalf of the Save BAREC preservation group. Save BAREC opposes the proposed demolition of the historic Bay Area Research and Extension Center (BAREC) buildings and environs.

By way of introduction, this law firm focuses its statewide practice on historic resources and the California Environmental Quality Act. Published CEQA cases handled by this office include *Friends of Sierra Madre v. City of Sierra Madre* and *Sierra Club v. San Joaquin LAFCO*, both at the California Supreme Court, and *Preservation Action Council v. City of San Jose*, *108 Holdings v. City of Rohnert Park*, *The Pocket Protectors v. City of Sacramento*, *Architectural Heritage Association v. County of Monterey*, *20th Century Architecture Alliance v. City of Los Angeles*, *League for Protection of Oakland's Historic and Architectural Resources v. City of Oakland*, *Stanislaus Natural Heritage Project v. County of Stanislaus*, *Galante Vineyards v. Monterey Peninsula Water Management District*, *Friends of the Santa Clara River v. Castaic Lake Water Agency*, and *Sierra Club v. County of Sonoma*, at the California Court of Appeal.

R33-1

The EIR is inadequate and incomplete in its evaluation of BAREC's historic significance and integrity. Key historical information was not included in the historic resources report prepared by Ward Hill in October 2002. The EIR did not treat the demolition of the BAREC buildings and environs as a significant impact requiring the adoption of feasible alternatives and mitigation measures, largely because the resource was not considered historic for purposes of CEQA based upon the data relied upon in the Hill report.

R33-2

707.938.3908 ♦ 707.576.0198 ♦ fax 707.576.0175 ♦ susanbh@econet.org

From 1920, BAREC was the agricultural research center for the Santa Clara Valley and California's Central Coast, and produced internationally and nationally important research. This history is considered so important that the California History Center plans to write a book on BAREC's history.

R33-3

Historic and cultural resources can be determined eligible for listing in the California Register of Historical Resources if they meet at least one of four established criteria. Criterion 1 encompasses resources that are "associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States." The Hill report acknowledges that two buildings on the BAREC site, the lab/office and the shop building, are over 50 years old. Hill stated that the lab retains a high degree of integrity, has not been altered, and that the interior finishes are intact. Similarly, the shop building does not appear to have been altered since it was originally constructed. Hill's report stated that the buildings are potentially significant under Criterion 1 for the California Register because of their association with agricultural history of the Santa Clara Valley and the research program of the University of California, but believed that more research was needed to assess the significance of the buildings in relation to the contribution that the research facility made to the development of strawberry varieties. That research is available and further supports BAREC's historic significance.

R33-4

The Northern California Historic American Landscape Survey (HALS) has provided information to the state regarding BAREC's role in the introduction of strawberry varieties, including data relating to the establishment of the Santa Clara Valley as a strawberry growing region and the influence on the post World War II Japanese American community's return to the labor market. HALS noted that BAREC was the state's center for the Strawberry Breeding and Cultural Project. This information is being submitted to the City for inclusion in the EIR analysis.

R33-5

The EIR should be revised to include additional evidence of BAREC's historic significance contained in the following documents. We believe these documents have either been recently submitted to the City or will be submitted soon:

- Nomination forms for the California Register of Historical Resources and the National Register of Historic Places, which further document BAREC's historic significance and integrity.
- HALS' recently submitted Threatened Landscape Application, which confirms that BAREC qualifies as a Historic American Landscape.
- Information submitted by Sharon McCray, local resident and President of the

R33-6

Prusch Farm Park Foundation. McCray carefully recounted the many omissions and inaccuracies in the EIR regarding BAREC's historic significance in her comment letter. McCray has extensive personal knowledge of the property and is considered the primary resource on BAREC's history.

- An article by McCray commissioned by the California History Center at De Anza College about BAREC in its periodical, *The Californian*, published in August 2005.
- Information about BAREC submitted by McCray to the Santa Clara Library in 2005, which was omitted from the Hill report.
- Information about BAREC submitted to the City in an EIR comment letter by Paul Duchsherer, one of California's leading historic preservation landscape architects and educators. Duchsherer has 40 years of private practice as a landscape architect and has taught garden/landscape history at the University of California Berkeley's Landscape Architecture Department for 12 years, and at the UC Extension for 14 years. He is incoming President of the California Gardens and Landscape History Society.

R33-6
Cont'd

The EIR should be revised to conclude that BAREC is historically significant and that its destruction would cause a significant environmental impact.

Once the revised EIR acknowledges the significant impact, it should be further amended to consider a reasonable range of feasible project alternatives and mitigation measures to retain the historic structures and avoid demolition.

R33-7

All relevant project information that is required for an adequate, complete EIR must be in the EIR itself. (*Environmental Defense Fund, Inc. v. Coastside County Water District* (1972) 27 Cal.App.3d 695, 706, *Russian Hill Improvement Association v. Board of Permit Appeals* (1974) 44 Cal.App.3d 158, 167.) In *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners of the City of Oakland* (2001) 91 Cal.App.4th 1344, the Court found that the use of outdated information rendered an EIR inadequate to "meet the standard of 'a good faith effort at full disclosure' required by CEQA. (Guidelines § 15151.)" Historic status is not a political or policy decision. CEQA makes clear that if a project "may cause" a substantial adverse change in the significance of an historic resource, it will thereby be determined to have a significant environmental impact. (Public Resources Code § 2104.1.) A "substantial adverse change" encompasses "demolition . . . such that the significance of an historical resource would be materially impaired." (CEQA Guideline § 15064.5 (b)(1).)

R33-8

In two very recent CEQA cases, the Supreme Court of California and the Sixth Appellate District emphasized the critical importance of an adequate EIR alternatives

R33-9

analysis. In the 2006, *City of Marina v. Board of Trustees of the California State University*, the California Supreme Court held that a public university abused its discretion when finding that the off-campus effects of a proposed major campus expansion “cannot feasibly be mitigated.” The Court emphasized CEQA’s substantive mandate “that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects . . .”

In the 2006 case, *Preservation Action Council v. City of San Jose*, the Court of Appeal held that the City of San Jose improperly certified an EIR and unlawfully approved a proposed Lowe’s Home Improvement Warehouse project that would require the demolition of a significant historic resource. The Court explained that the City had failed to adequately analyze a reduced-size project that would avoid demolition of the historic resource. The Court comprehensively reviewed relevant statutory provisions, CEQA Guidelines, and case law addressing alternatives and the Court invalidated an EIR that contained an extended discussion of at least six alternative designs and several alternative sites, unanimously finding the scope of the analysis to be insufficient.

R33-9
Cont’d

In addition, the EIR should acknowledge that the City of Santa Clara is a Certified Local Government, and that while it is therefore required to oversee the compiling, recording, and updating of inventory information on cultural resources within its jurisdiction, its inventory does not include the BAREC resource.

R33-10

The EIR should reflect that other active organizations that support the retention of BAREC as an important historic resource include: Northern California Historical American Landscape Survey (HALS), California History Center and Foundation, California Garden and Landscape Historical Society, Daughters of the American Revolution, Civil War Roundtable, Argonauts Historical Society, Pioneer Club of Santa Clara County, Saratoga Historical Museum, E Clampus Vitus, Yvonne Jacobson (author of “Passing Farms Enduring Values, Santa Clara Valley”), Dr. Russell Skowrennek (Santa Clara University Archeology Professor, foremost expert on California Missions, author of historical Santa Clara City book, and Smithsonian consultant), Lorie Garcia (former Santa Clara County Historical Commissioner, author of book on Santa Clara’s history, and former Chair of the Santa Clara City Planning Commission), Preservation Action Council of San Jose, and Jim Arbuckle (Past President of the Pioneers Society of Santa Clara County and son of Clyde Arbuckle who wrote the most definitive historical book titled “History of San Jose”), and local historian and author Leonard McKay.

R33-11

As the California Supreme Court held in *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165, CEQA reflects “the policy of the state to ‘preserve . . .

examples of the major periods of California history’.”

Please let us know if this office can provide you with any further information regarding CEQA compliance.

Sincerely,

Paige J. Swartley
Rachel Howlett

LETTER R33

Paige J. Swartley and Rachel Howlett

September 8, 2006

- R33-1** The commenter provides a summary of their law firm's accomplishments. No response is necessary, because no questions or new information regarding the environmental analysis were raised.
- R33-2** The commenter states that the DEIR is inadequate and incomplete in its evaluation of BAREC's historic significance and integrity, key historical information was missing from the Ward Hill report, and the DEIR did not provide mitigation because it did not treat on-site buildings and environs as significant. The DEIR contains an evaluation of the site's cultural resources consistent with the requirements of CEQA in Section 4.11, "Cultural Resources." As described therein and further elaborated in Master Response 4, the conclusion of the EIR, after extensive research and review of evidence in the record, is that neither the structures on the Project Site nor the landscape qualify as historical resources under Section 15064.5 of the State CEQA Guidelines or are eligible for listing on the California Register of Historical Resources (CRHR) or the National Register of Historic Places (NRHP). Further, the City and DGS have consulted with the Office of Historic Preservation (OHP) and staff of OHP has concurred with the findings presented in the DEIR (see Appendix B of this document).
- The commenter does not indicate what information is missing from the Ward Hill report and offers no evidence that the analysis presented in the DEIR is inadequate; therefore, no further response can be provided. The commenter states the EIR does not identify mitigation measures or potentially feasible alternatives to address impacts to the BAREC site as an historic resource. The commenter is correct. The obligation to consider and identify mitigation measures or alternatives arises if the EIR concludes the project will have a significant impact to an historic resource. (See Public Resources Code, Sections 21001, 21081.) Because the EIR concludes the BAREC site is not an historical resource under Section 15064.5 of the State CEQA Guidelines, the obligation under CEQA to identify mitigation measures or alternatives to avoid or substantially lessen the impact does not arise.
- R33-3** The commenter states that BAREC produced internationally and nationally important research and that this history is so important that the California History Center plans to write a book on BAREC's history. The commenter is correct that agricultural research occurred at BAREC beginning in the 1920s. This historic use of the site is identified and described in the EIR. (See Draft EIR, pp. 4-133 – 4-134, Master Response 5.) Although the site was used for this purpose, the site is not considered a significant historic resource. The basis for this conclusion is set forth in detail in the Draft and Final EIRs. (See Draft EIR, pp. 4-137 – 4-139, Final EIR Master Response 5, Final EIR responses to comments R7-1 et seq.).
- R33-4** The commenter states that the Ward Hill report states that the on-site buildings are potentially significant under Criterion 1 of the CRHR, but that additional research was needed to assess the significance of the buildings in relation to their contribution to the development of strawberry varieties. The commenter mischaracterizes the information presented in the Ward Hill Report (October 2002). While the report does indicate that lab/office building and shop retain a high degree of integrity, the report concluded that based on additional research conducted to determine the significance of these buildings in relation to past activities that occurred at the project, the buildings would not be eligible for listing on the CRHR because

there is no evidence to support that these buildings were associated with the events or patterns of events that have made a significant contribution to the broad patterns of local or regional history and cultural heritage in California or the United States (Criterion 1 of the CRHR).

Regarding research of the historic significance of the Project Site, additional research has been conducted to address the questions raised in comments about the significance of strawberry research at BAREC. The results of the research are explained in Master Response 5. As described therein, available evidence indicates that strawberry research occurred at BAREC that was transferred to UC Davis well before World War II (mid 1930s). The research was part of a complex chain of events leading to development of improved strains of strawberries at UC Davis. The influence of the research at BAREC was quickly subsumed into follow-on research at UC Davis after its transfer, which indicates that UC Davis was the centerpiece location for important research that improved strawberry cultivation in California by all farmers. Available evidence also indicated that approximately one-quarter of pre-war Japanese farmers returned to agriculture (all crop types) after the war. Available information does not indicate what proportion of this post-war agriculture involved strawberries. The additional research conducted on strawberry research in response to DEIR comments has not altered the DEIR conclusion that the site does not qualify as a historical resource under Section 15064.5 of the State CEQA Guidelines and would not be eligible for the National Register of Historic Places and California Register of Historical Resources. Please refer to Master Response 5.

R33-5 The commenter summarizes information that was submitted by HALS regarding strawberry research that occurred at the Project Site. Please refer to Master Response 5 (see Section 3.5.3, “BAREC’s Contribution to Strawberry Farming Practices).

R33-6 The commenter states that the EIR should be revised to include additional evidence of BAREC’s historical significance as contained the listed set of documents. The DEIR contains a thorough evaluation of the site’s cultural resources in Section 4.11, “Cultural Resources.” As described therein and further elaborated in Master Response 5, the conclusion of the EIR, after extensive research and review of evidence in the record, is that neither the structures on the Project Site nor the landscape qualify as historical resources under Section 15064.5 of the State CEQA Guidelines or are eligible for listing on the CRHR or the NRHP. Further, the City and DGS have consulted with the Office of Historic Preservation (OHP) and staff of OHP has concurred with the findings presented in the DEIR (see Appendix B of this document).

Regarding the list of documents, the City has not received copies of: the nomination forms for the California Register of Historical Resources and National Register of Historic Places; the HALS Threatened Landscape Application; and information from Sharron McCray submitted to the Santa Clara Library. As such, response to issues raised in these documents cannot be provided. Regarding comments submitted by Sharron McCray on the EIR, please refer to responses to comments 73-1 through 73-34 and R20-1 through R20-4 for responses to issues raised in those letters. Regarding the article published in *The Californian*, a copy of this article was submitted during the public scoping meeting held on October 3, 2005 and was considered in preparation of the analysis presented in the DEIR. Regarding the information submitted by Paul Duchscherer, please refer to responses to comments 69-1 and R33-1 through R33-3 for responses to issues raised in this letter.

- R33-7** The commenter states that once the EIR is revised to acknowledge a significant impact, feasible project alternatives and mitigation to retain the historic structures should be considered. The DEIR contains a thorough evaluation of the site's cultural resources in Section 4.11, "Cultural Resources." As described therein and further elaborated in Master Response 5, the conclusion of the EIR, after extensive research and review of evidence in the record, is that neither the structures on the Project Site nor the landscape qualify as historical resources under Section 15064.5 of the State CEQA Guidelines or are eligible for listing on the CRHR or the NRHP. Because the project's impacts have been determined to be less than significant, the DEIR is not required to identify mitigation or alternatives that would reduce the project's impacts. Further, the City and DGS have consulted with the Office of Historic Preservation (OHP) and staff of OHP has concurred with the findings presented in the DEIR (see Appendix B of this document). Regarding the obligation to consider mitigation measures or alternatives, please refer to response to comment R33-2.
- R33-8** The commenter states that all relevant project information that is required for an adequate, complete EIR must be in the EIR. All research and data used in the preparation of the DEIR and the evidence that was used in drawing its conclusions has been presented in the text of the DEIR (Section 4.11, "Cultural Resources"), the Public Scoping Comments (Appendix A), the Cultural Report (Appendix L), Master Response 5, and in Appendix B of the this document. The City believes that all appropriate and necessary information has been included in this EIR. With respect to the specific documents referenced by the commenter, please refer to response to comment R33-6.
- R33-9** The commenter summarizes CEQA case law. Regarding the obligation to consider mitigation measures or alternatives, please refer to response to comment R33-2. The commenter was one of the attorneys prevailing in *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336. In that case, the agency's obligation to analyze and adopt findings regarding the feasibility of project alternatives was predicated on the conclusion that a building located on the site was regarded by commenters, by the city, and by the EIR as an historic structure. In this case, the EIR concludes, based on substantial evidence, that the BAREC site is not a significant historic structure. This conclusion means that, with respect to cultural resources, the City does not need to adopt findings regarding the feasibility of alternatives that avoid impacts to such resources.
- R33-10** The commenter states that the DEIR should acknowledge that the City of Santa Clara is a Certified Local Government and that its inventory of resources does not include the Project Site. The commenter is correct that the City of Santa Clara is a Certified Local Government and that the site does not appear on an inventory of historic resources.
- R33-11** The commenter provides a list of organizations that support the retention of BAREC as an important historic resource. Some of the persons and organizations on this list have submitted comments on the EIR. Others have not. Regarding the Project Site's eligibility as a historic resource, please refer to Master Response 5.

Kristen Stoner - Comments on BAREC RDEIR

From: linda perrine <strangefirewillow@yahoo.com>
To: <GSciara@ci.santa-clara.ca.us>
Date: 9/8/2006 12:42 PM
Subject: Comments on BAREC RDEIR

Gloria,

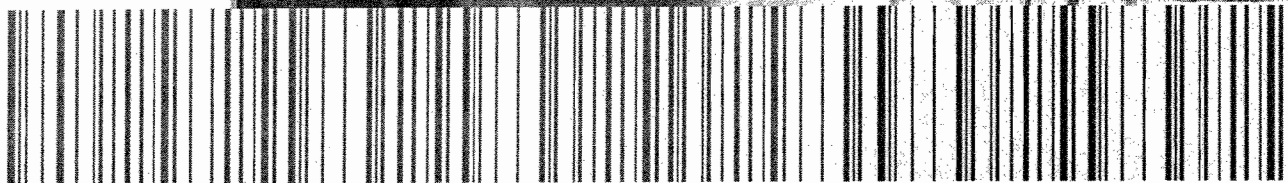
Please include a copy of my presentation given to the City Council of Santa Clara on July 18, 2006 for the public record on BAREC EIR comments.

Please let me know if there you have any issue with this request. The presentation is attached in PDF format.

Thank you,
Linda Perrine
San Jose Resident

Stay in the know. Pulse on the new Yahoo.com. [Check it out.](#)

R34-1

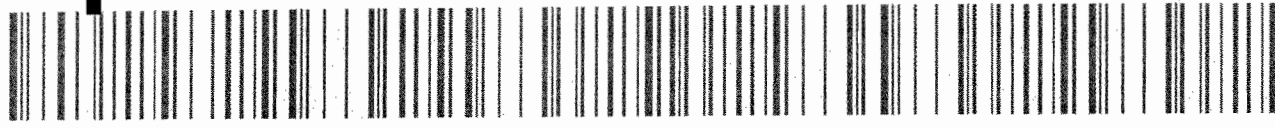


The Need for Agricultural Land and Educational Urban Farms in the Santa Clara Valley

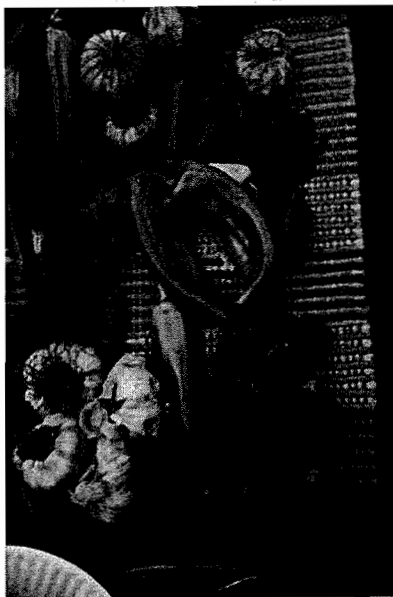
Representing: Friends of BAREC (www.savebarec.org) and
Post Carbon Santa Clara Valley (www.relocalize.net/groups/santaclara)

Linda Perrine, Environmental Educator, strangefirewillow@yahoo.com

July 18, 2006



The Benefits and Reasons for Retaining Prime Farmland in Santa Clara

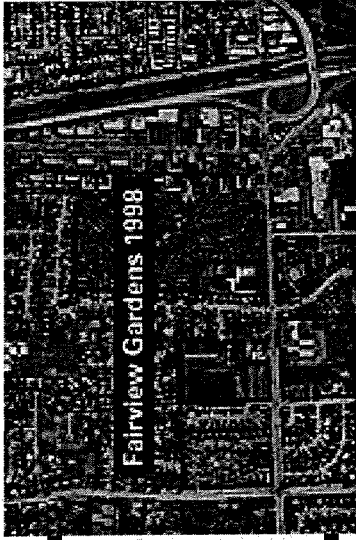
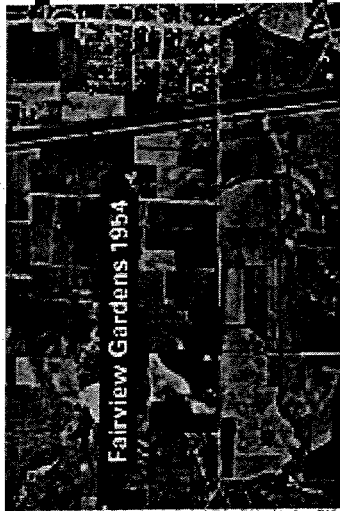


- ◆ Urban adults & children need to be connected to the source of food!
 - Local food production facilitates healthy choices, nutrition and education
- ◆ Moving towards a sustainable future should be part of every community government's planning
 - City of Oakland's Office of Sustainability is doing a Food System Assessment; Proposal of growing 30% of city's food inside urban boundary
- ◆ CA Civil Code 815 states that agricultural land preservation is a high priority for the state and should be placed into a conservation easement

The Benefits and Reasons for Retaining Prime Farmland in Santa Clara (cont.)



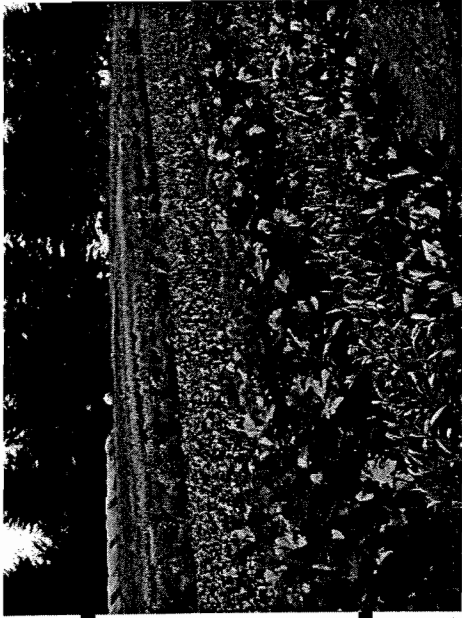
- ◆ Farmland provides community food security against economic upheavals
- ◆ Peaking of world oil production shows the urgent need to reconsider local food production and relocalization of our economy
 - We can not afford to lose any remaining farm land for this reason alone
 - San Francisco Board of Supervisors passed a Peak Oil Resolution on 4-11-06 with 10-0 unanimous vote (see attached)
- ◆ Agriculture can be integrated effectively in urban areas
 - Organic agriculture is healthy for environment, people, improves biodiversity
 - Educational farms generally use and prefer human power to machinery



Successful Examples of Urban Educational Farms

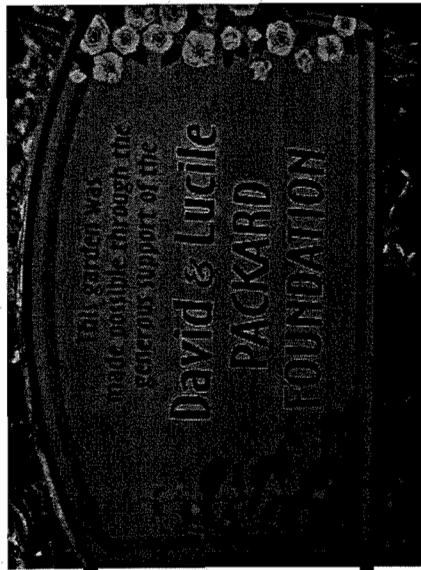
- ◆ **Center for Urban Agriculture at Fairview Gardens in Goleta, CA**
 - 12.5 acres of 100 year old organic farm preserved in perpetuity via an agricultural conservation easement in midst of high density urban area
 - Employs 20 people and feeds over 500 families while providing education
- ◆ **UC Santa Cruz Agroecology and Sustainable Food Systems Farm & Gardens, Santa Cruz, CA**
 - UCSC Farm & Garden program has run for 25 years financially self-sufficient
 - Education includes apprentices, K-5 curriculum and community workshops
 - They have offered help to setup similar program in the Santa Clara Valley
- ◆ **Tryon Life Community Farm in Portland, OR**
 - 7 acre farm, bought from a developer by community donations, placed into conservation easement with Oregon Sustainable Agricultural Land Trust as trustee
 - Provides non-profit income through sustainable living education & selling farm produce

Bay Area Educational Agricultural Programs vs. Santa Clara Valley



- ◆ A few examples in the Bay Area:
 - Marin Food Systems Project
 - Santa Rosa Jr. College Farm
 - Berkeley Farm-to-School Program
 - Livermore's Camp Arroyo Sustainable Living Center
- ◆ Santa Clara (city or county) has little like these programs yet it has some of the best farmland in the State of California
 - Santa Clara Valley agricultural land rated as "Prime Farmland" should be valued by city governments and local residents far beyond what the current market says its value is worth
- ◆ What do we want for the "Valley of Heart's Delight"? Shouldn't we preserve some of this valley's heritage for future generations?

New Education Requirements Will Require Land Resources to Accommodate



- ◆ USDA National Wellness Policy for Nutrition, Health, Physical Education and Obesity Reduction in curriculum starting in 2006-07 school year
- ◆ California State requirements (K-12) in 2007-08 school year to teach the interactions and interdependence of human societies and natural systems (Assembly Bills 1548, 1721)
- ◆ A centralized, non-profit urban farm can meet many of these education requirements for all City and County public schools and alleviate the struggles of individual schools attempting it on their own (funding, staffing, maintenance issues)
 - A non-profit urban farm can apply the income from produce sales and educational programs to pay for farm expenses without tax obligations



Beneficiaries of a Non-Profit Educational Agriculture Center



- ◆ Curriculum for all grade levels in local schools (K-12)
- ◆ Local Colleges: Environmental Studies, Horticulture, Natural History
- ◆ Future Farmer training in organic and sustainable methods
- ◆ Local community via workshops (composting, biointensive methods)
- ◆ Apprenticeship program (~40/season) similar to UCSC CASFS
- ◆ Programs for seniors: volunteer, relaxation, physical therapy and low income shares of fresh farm produce
- ◆ Hospital use for progressive programs and patient therapy
- ◆ General public access during daylight hours for open space
- ◆ Strengthen local community through harvest festivals and other events
- ◆ Landscape professional training in organic methods
- ◆ Restore home for Master Gardeners/Master Composters of SCC

References

- ◆ UCSC Center for Agroecology and Sustainable Food Systems:
<http://zzyx.ucsc.edu/casfs/>
- ◆ The Center for Urban Agriculture at Fairview Gardens, Goleta, CA:
www.fairviewgardens.org
- ◆ TryOn Life Community Farm, Portland, OR: www.tryonfarm.org
- ◆ Peak Oil current news: www.energybulletin.net
- ◆ CA Education and Environment Initiative:
www.calepa.ca.gov/Education/EEI
- ◆ USDA Wellness Policy Requirement:
http://www.fns.usda.gov/tn/Healthy/wellness_policyrequirements.html
- ◆ City of Oakland, Office of Sustainability, Food System Assessment:
<http://oaklandfoodsystem.pbwiki.com/>
- ◆ Friends of BAREC: www.savebarec.org
- ◆ Post Carbon Santa Clara Valley: www.relocalize.net/groups/santacalara



DRAFT PROPOSED RESOLUTION

Resolution acknowledging the challenge of Peak Oil and the need for San Francisco to prepare a plan of response and preparation.

WHEREAS, World oil production is nearing its point of maximum production ("Peak Oil") and will enter a prolonged period of irreversible decline leading to ever-increasing prices;

WHEREAS, the United States has only 2 percent of the world's oil reserves, produces 8 percent of the world's oil and consumes 25 percent of the world's oil, of which nearly 60 percent is imported from foreign countries;

WHEREAS, the decline in global oil production threatens to increase resource competition, geopolitical instability, and lead to greater impoverishment;

WHEREAS, national oil companies own 72% of remaining oil reserves and 55% of remaining gas reserves¹, and resource nationalism is increasingly dominating decisions of oil and gas development and trade relationships;

WHEREAS, The availability of affordable petroleum is critical to the functioning of our transportation system, the production of our food and of petrochemical-based consumer goods; the paving of roads, the lubrication of all machinery, and myriad other parts of the economy;

WHEREAS, San Francisco is entirely dependent on external supplies of petroleum, including the crude oil processed in Bay Area refineries;

WHEREAS: Price signals of petroleum scarcity are likely to come too late to trigger effective mitigation efforts in the private sector, and governmental intervention at all levels of government will be required to avert social and economic chaos;

WHEREAS, the Department of Energy-sponsored study² on mitigation of Peak Oil demonstrated that a 20-year lead time is required for effective mitigation, while current measures supported by the federal government will replace only 3-weeks worth of gasoline consumption by 2012;³

¹ "The Role of the National Oil Companies in a Changing World: Economic and Energy Relations", OPEC, 2004, at <http://www.saudinf.com/main/y7480.htm>

² Robert L. Hirsch, R. Bezdek, R. Wendling, *Peaking Of World Oil Production: Impacts, Mitigation, & Risk Management*, February 2005, online at

http://www.mnforsustain.org/oil_peaking_of_world_oil_production_study_hirsch.htm

³ <http://www.eia.doe.gov/neic/brochure/renew05/renewable.html>



WHEREAS, alternative sources of transport fuels from coal and natural gas both require high energy inputs and increase total carbon emissions, and biomass-based fuels compete with soil fertility, impacting agricultural sustainability⁴;

WHEREAS, substitution of petroleum with other fossil fuels threatens even greater damage to water, air, soil, and species diversity through their extraction and combustion;

WHEREAS, North American production of natural gas has already peaked, and 46% of California's electricity supply is generated from natural gas; and

WHEREAS, San Francisco has demonstrated leadership in confronting challenges of environmental quality and energy security, promoting environmental and economic equity, and has a rich diversity of citizens committed to maintaining San Francisco's long-term viability;

RESOLVED, The Commission on the Environment acknowledges the unprecedented challenges of Peak Oil; and further

RESOLVED, The Commission supports the adoption of a global Oil Depletion Protocol to provide transparency in oil markets, control price swings, address issues of equity in

Santa Clara Gardens Development Project Final EIR
City of Santa Clara

5-133

EDAW
Comments and Responses on the Recirculated DEIR

RESOLVED, The Commission supports the undertaking of a city-wide assessment study in order to inventory city activities and their corollary resource requirements, evaluating the impact in each area to a decline in petroleum availability and to higher prices, with the aim of developing a comprehensive city plan of action and response to Peak Oil, and further

RESOLVED, The Commission urges the Mayor to provide funding and direction to city departments for the development of a response plan.

⁴ L. Reijnders, "Conditions for the sustainability of biomass based fuel use", *Energy Policy* 34 (2006) 863–876

LETTER R34

Linda Perrine
September 8, 2006

R34-1 The commenter requests that her presentation to the City Council be part of the public record. The presentation provides information on the history of the project. No specific comments on the DEIR analysis were provided in the presentation; therefore, no further response is necessary.